



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

REC'D 5/24/94

16161-1

000004

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/785-3912

Refer to: L1630200005 -- St. Clair County
Sauget Sites (Area 2) -- Sauget
Superfund/Compliance

August 24, 1994

Ms. Peggy Schwebke
USEPA Region V, HSE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

Dear Ms. Schwebke:

As requested, I am sending you the information we had discussed over the phone earlier this week. All of the enclosed information is relative to "Site Q" or the "Sauget Landfill". It includes 103(c) forms, responses to an IEPA 104(e) request from Eagle Marine/Riverport Fleeting (the current property owner) and Browning-Ferris Industries (a generator), and other related PRP information. Background for a past State enforcement case against Sauget & Company is also provided.

In reference to your request for local union contacts, IEPA has had communications with the International Union of Operating Engineers. Though I am unable to recall the contact person, their address is:

International Union of Operating Engineers, Local 520
520 Engineers Road
Granite City, Illinois 62040

Phone: (618) 931-0500

If you have questions or concerns about the enclosures, please do not hesitate to call.

Sincerely,

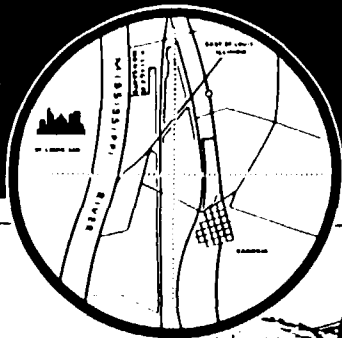
Paul E. Takacs, Project Manager
National Priorities List Unit
Division of Remediation Management
Bureau of Land

Enclosures

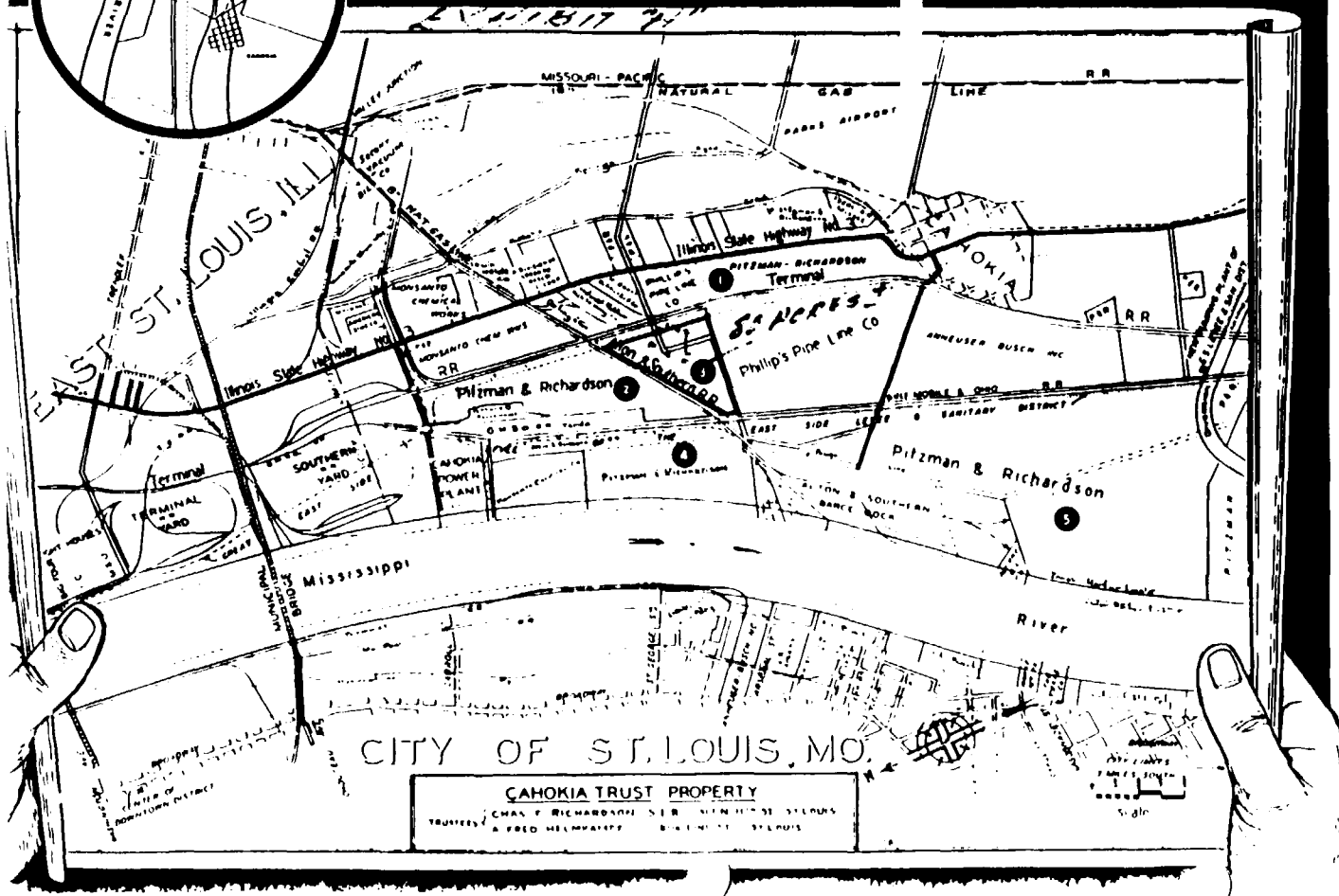
cc: Deidre Flannery Tanaka, USEPA (w/o enclosures)
Jeff Gore, USEPA (w/o enclosures)
Terry Ayers (w/o enclosures)
Division File

Now Available...

THE CAHOKIA TRUST PROPERTIES



THESE CHOICE SITES
ARE WAITING
in the heart
of this time-tested
DIVERSIFIED
INDUSTRIAL REGION



THESE NATIONAL MANUFACTURERS ARE YOUR "NEIGHBORS"

Allied Chemical & Dye Corp	Anheuser-Busch, Inc.	National Container Corp
Alcoa Inc.	Celanese Corp.	National Lead Co.
Aluminum Co. of America	Dow Chemical Co.	Olin Matheson Chemical Corp.
American Agricultural Chemical Co.	General Steel Castings Corp.	Quincy Minerals Glass Co.
American Brake Shoe Corp.	Gibson Co.	Shell Oil Co.
American Smelting & Refining Co.	Granite City Steel Co.	Sector Refining Co.
American Steel Foundries	International Shoe Co.	Seco Vacuum Oil Co.
American Zinc Co. of Missouri	Laclede Steel Co.	Standard Oil Co. of Indiana
A. O. Smith Corp.	Louis Metals Co.	Suffolk & Co.
Armour & Co.	Monsanto Chemical Co.	Virginia Carolina Chemical Corp.

YOU CAN SHARE THESE ADVANTAGES, TOO...

WATER... 120 billion gallons a day from the Mississippi River... plus sub-surface water from 335 square miles of water bearing area. Every city in the nation could draw its daily requirements from the Mississippi at St. Louis and still leave 86 billion gallons of water per day unused!

POWER AND FUEL... include an integrated electrical power plant of 2,700,000 KW capacity... plus tremendous Illinois and Kentucky coal fields... plus natural gas from Northern Louisiana.

TRANSPORTATION... world's second largest rail center... nation's second largest truck center... world air traffic center... and center of inland waterways system.

INDUSTRIAL RAW MATERIALS... center of world's richest agricultural region... plus an abundance of coal, oil, fire clay, glass sand, iron ore, lead, barite, dolomite, limestone, pyrites and others.

CONSTRUCTION... diversified production and resources results in low cost of major construction requirements... including all types of building materials.

MANUFACTURING COSTS... reasonable energy costs... plus superior transportation facilities of this central location assures low cost of assembling raw materials.

BASIC METALS... the nation's only industrial center that produces five basic metals: iron, lead, zinc, copper, and magnesium (from the world's largest magnesium rolling mill).

CONTAINERS... glass, tin, metal, cloth, plastic, wood, paper, and other types for all purposes from this major container manufacturing center.

CHEMICALS... giant plants produce large quantities and a wide variety of basics and intermediates.

LOCAL GOVERNMENT... no burdensome expense for new community development... all city services and facilities provided for and supported by reasonable tax rate.

RELATION TO MARKETS... the most strategic location from which to serve all North American markets.

DIVERSIFICATION OF INDUSTRIAL ACTIVITY... only 8% of employed engaged in any one industry... a most stable economy in one of the world's most widely diversified industrial areas... producing over 4.4% of the products listed by U. S. Bureau of Census.

CAHOKIA TRUST



TRUSTEES

CHAS. E. RICHARDSON, Secretary of Industrial Realtors,
317 North Eleventh Street, St. Louis 1, Mo.
Main 1-0952
A. FRED HELMANN
701 Pine Street, St. Louis 1, Mo.
Main 1-1111

WHAT YOU WILL FIND IN THE CAHOKIA TRUST PROPERTIES...

Located directly south of the City of East St. Louis, Illinois, and directly across the Mississippi River from St. Louis, the Cahokia Trust Properties are contained in the small communities of Monsanto and Cahokia in St. Clair County, Illinois.

In the heart of the Metropolitan St. Louis area, with its population in excess of 1,900,000 people, the Cahokia Trust Properties are only 100 miles from the center of population of the United States. The economy of this area is very stable, being more diversified industrially than probably any other area in the nation.

The Cahokia Trust Properties are the largest privately owned industrial areas in Metropolitan St. Louis... a direct contrast to the Missouri side of the river where practically no industrial sites of any size are available.

Although the Properties are located in modern communities, a most favorable local tax situation prevails... and in addition, of course, there is no State Income Tax in Illinois.

We invite your attention to the following tract descriptions, available as this folder goes to press. These sites are available as a unit, or as reasonable parts thereof.

...For your present and future industrial growth

It is only a small spot on the map... but there is perhaps no more strategic industrial location in all America!

Cahokia Trust Properties offer that rare combination of a top flight industrial district... in the heart of a major metropolitan center. Centrally located, and at the crossroads of every modern transportation system, these tracts provide easy accessibility, in and out, for your plant.

Enjoy the many advantages of this healthy industrial atmosphere. Your neighbors are some of the nation's top manufacturers... your community is extremely industrial-minded, offering many benefits and privileges to the companies it shelters... your opportunity, for present and future growth is literally unlimited.

Only recently has this opportunity developed. And once these tracts are gone, there are no more.

If planning for expansion is part of your responsibility, this folder has been prepared to help you. We shall be glad to discuss it with you and your colleagues. And, we hope, you will investigate this opportunity fully.

WHICH TRACT FITS YOUR NEED?

TRACT No. 1. Approximately 90 acres, fronting on Illinois State Highway No. 3 with nearly a mile of road frontage. It is served on its entire western side by the Terminal Railroad (the joint belt-line of the 18 trunk lines entering the Metropolitan St. Louis area).

TRACT No. 2. Approximately 130 acres served by the Terminal Railroad, the Alton & Southern Railroad (a belt-line competing with the Terminal Railroad and serving the trunk lines entering St. Louis on the east side of the Mississippi River) and by the main line of the Gulf, Mobile & Ohio Railroad. This tract, in addition to being served by the usual utilities, has unusually large industrial sewer facilities.

TRACT No. 3. Approximately 80 acres served by the Terminal Railroad and the Alton & Southern Railroad; access to Highway No. 3 by private road.

TRACT No. 4. Approximately 130 acres served by the Alton & Southern Railroad. This tract has $\frac{3}{4}$ of a mile frontage on the Mississippi River and is without question the finest piece of riverfront property, with full riparian rights, in the Metropolitan St. Louis area.

TRACT No. 5. Approximately 650 acres, served by the Alton & Southern Railroad. It has over 4000 feet of frontage on the Mississippi River with full riparian rights.

In addition to the properties listed above (and in adjacent locations), the Cahokia Trust has available several smaller tracts.

All utilities such as electric power, city water, gas, sewers, etc., are available to all of these properties and industrial water is available by sinking relatively shallow wells.

Almost 200 years ago...

PIERRE LACLEDE DISCOVERED THIS PERFECT INDUSTRIAL SITE

Explorer Laclede probably didn't have modern day industry in mind... but he did recognize the strategic advantages of the present Metropolitan St. Louis area. Of all the hundreds of miles of riverfront to select from, this was the point he settled. And today his judgment looks even better than ever.



Now... almost 200 years later...

THESE SITES ARE AVAILABLE FOR YOU

As valuable as this location is, many of these sites have never been available before for industrial development... it was only recently that these magnificent sites have been available to industry. Now, after almost 200 years, they form a rare opportunity for you.

CAHOKIA TRUST

TRUSTEES

CHAS. E. RICHARDSON, Society of Industrial Realtors,
317 North Eleventh Street, St. Louis 1, Missouri,
MAin 1 0952

A. FRED HELMKAMPF
804 Pine Street, St. Louis 1, Missouri, MAin 1 8366



All rights reserved

United States
Environmental Protection
Agency
Washington DC 20460

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies. **810609**

810609

IL #259

ILS-000-001-280

Name Paul Sargent (Sargent and Co.)
Street 2700 Mousanto Ave
City Sargent State _____ Zip Code 62206

Name of Site Sauget - Sauget Landfill (Closed)
 Street Near Levee Rd + Monsanto Ave
 City Sauget County St. Clair State Ill. Zip Code 62201

ILD000722074

Name (Last, First and Title) Paul Sargent - Mayor
Phone 618-337-5267

From (Year) 1962 To (Year) 1975

Option 2: This option is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 261).

Specific Type of Waste: EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four-digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the site is located.

1. ☐ Mining
2. ☐ Construction
3. ☐ Textiles
4. ☐ Fertilizer
5. ☐ Paper/Printing
6. ☐ Leather Tanning
7. ☐ Iron/Steel Foundry
8. ☒ Chemical, General
9. ☐ Plating/Polishing
10. ☐ Military/Ammunition
11. ☐ Electrical Conductors
12. ☐ Transformers
13. ☐ Utility Companies
14. ☐ Sanitary/Refuse
15. ☐ Photofinish
16. ☐ Lab/Hospital
17. ☐ Unknown
18. ☐ Other (Specify)

[illegible]

000175 JUN -981

JUN 12 1981

F Waste Quantity: Place an X in the appropriate boxes to indicate the facility types found at the site. In the "total facility waste amount" space give the estimated combined quantity (volume) of hazardous wastes at the site using cubic feet or gallons. In the "total facility area" space, give the estimated area size which the facilities occupy using square feet or acres.	Facility Type 1. <input type="checkbox"/> Piles 2. <input type="checkbox"/> Land Treatment 3. <input checked="" type="checkbox"/> Landfill 4. <input type="checkbox"/> Tanks 5. <input type="checkbox"/> Impoundment 6. <input type="checkbox"/> Underground Injection 7. <input type="checkbox"/> Drums, Above Ground 8. <input checked="" type="checkbox"/> Drums, Below Ground 9. <input type="checkbox"/> Other (Specify) _____	Total Facility Waste Amount cubic feet _____ gallons <u>655,200 G</u> Total Facility Area square feet <u>?</u> acres _____
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G Known, Suspected or Likely Releases to the Environment:
 Place an X in the appropriate boxes to indicate any known, suspected, or likely releases of wastes to the environment. ☐ Known ☒ Suspected ☐ Likely ☒ None

Note: Items Hand I are optional. Completing these items will assist EPA and State and local governments in locating and assessing hazardous waste sites. Although completing the items is not required, you are encouraged to do so.

H Sketch Map of Site Location: (Optional)
 Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Draw an arrow showing the direction north. You may substitute a publishing map showing the site location.

I Description of Site: (Optional)
 Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste came from. Provide any other information or comments which may help describe the site conditions.

J Signature and Title:
 The person or authorized representative (such as plant managers, superintendents, trustees or attorneys) of persons required to notify must sign the form and provide a mailing address (if different than address in item A). For other persons providing notification, the signature is optional. Check the boxes which best describe the relationship to the site of the person required to notify. If you are not required to notify check "Other".

Name <u>Raymond (Clayton Chem. Co)</u> Street <u>1050 Brentwood Blvd.</u> City <u>Clayton</u> State <u>Mo</u> Zip Code <u>63105</u> Signature _____ Date <u>6-8-81</u>	<input type="checkbox"/> Owner, Present <input type="checkbox"/> Owner, Past <input type="checkbox"/> Transporter <input type="checkbox"/> Operator, Present <input type="checkbox"/> Operator, Past <input checked="" type="checkbox"/> Other
---	---

EPA Notification of Hazardous Waste Site

United States
Environmental Protection
Agency
Washington DC 20460

This initial notification information is required by Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and must be mailed by June 9, 1981.

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies.

810609

IL #109

ILS-000-001-095

A Person Required to Notify:

Enter the name and address of the person or organization required to notify.

Name The Pillsbury Company
Street 608 2nd Avenue South
City Minneapolis State Minn. Zip Code 55402

B Site Location:

Enter the common name (if known) and actual location of the site.

Name of Site East St. Louis (Sauget)
Street #10 Pitzman
City East St. Louis County St. Clair State Ill. Zip Code 62201

C Person to Contact:

Enter the name, title (if applicable), and business telephone number of the person to contact regarding information submitted on this form.

Name (Last, First and Title) Smith, Carl A.
Phone (612) 330-5165

D Dates of Waste Handling:

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

From (Year) 1959 To (Year) 1973

E Waste Type: Choose the option you prefer to complete

Option 1: Select general waste types and source categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item I—Description of Site.

General Type of Waste:
Place an X in the appropriate boxes. The categories listed overlap. Check each applicable category.

1. ☐ Organics
2. ☐ Inorganics
3. ☐ Solvents
4. ☐ Pesticides
5. ☐ Heavy metals
6. ☐ Acids
7. ☐ Bases
8. ☐ PCBs
9. ☒ Mixed Municipal Waste
10. ☒ Unknown
11. ☐ Other (Specify)

Source of Waste:
Place an X in the appropriate boxes.

1. ☐ Mining
2. ☐ Construction
3. ☐ Textiles
4. ☐ Fertilizer
5. ☐ Paper/Printing
6. ☐ Leather Tanning
7. ☐ Iron/Steel Foundry
8. ☒ Chemical, General
9. ☐ Plating/Polishing
10. ☐ Military/Ammunition
11. ☐ Electrical Conductors
12. ☐ Transformers
13. ☐ Utility Companies
14. ☒ Sanitary/Refuse
15. ☐ Photofinish
16. ☐ Lab/Hospital
17. ☒ Unknown
18. ☐ Other (Specify)

Option 2: This option is available to persons familiar with the Resource Conservation and Recovery Act (RCRA) Section 3001 regulations (40 CFR Part 261).

Specific Type of Waste:
EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter the appropriate four-digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the site is located.

000081 JUN -981

JUN 05 1981

Notification of Hazardous Waste Site

Side Two

F Waste Quantity:

Place an X in the appropriate boxes to indicate the facility types found at the site.

In the "total facility waste amount" space give the estimated combined quantity (volume) of hazardous wastes at the site using cubic feet or gallons.

In the "total facility area" space, give the estimated area size which the facilities occupy using square feet or acres.

Facility Type

1. ☐ Piles
2. ☐ Land Treatment
3. ☒ Landfill
4. ☐ Tanks
5. ☐ Impoundment
6. ☐ Underground Injection
7. ☐ Drums, Above Ground
8. ☒ Drums, Below Ground
9. ☐ Other (Specify) _____

Total Facility Waste Amountcubic feet Unknown

gallons _____

Total Facility Area

square feet _____

acres 40 **A****G Known, Suspected or Likely Releases to the Environment:**

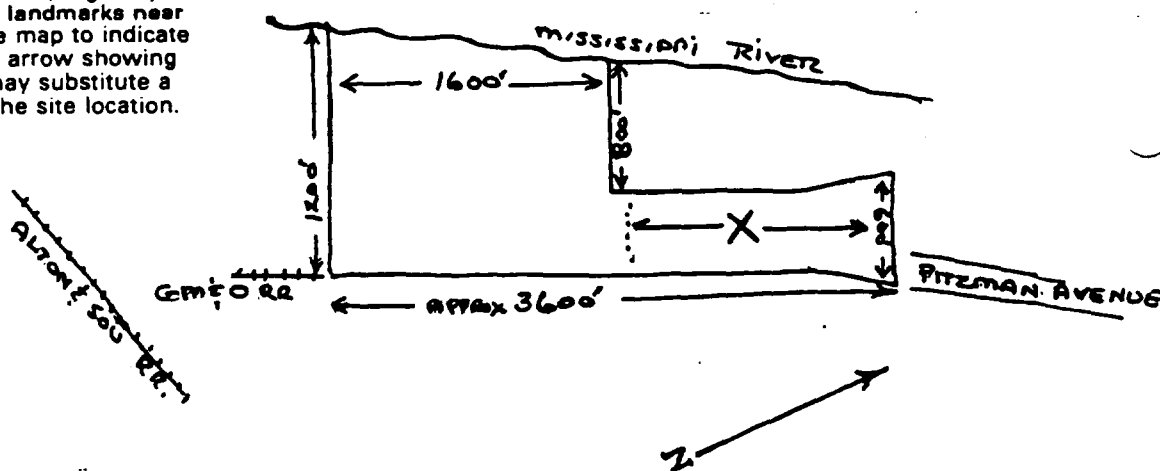
Place an X in the appropriate boxes to indicate any known, suspected, or likely releases of wastes to the environment.

☒ Known ☐ Suspected ☐ Likely ☐ None

Note: Items H and I are optional. Completing these items will assist EPA and State and local governments in locating and assessing hazardous waste sites. Although completing the items is not required, you are encouraged to do so.

H Sketch Map of Site Location: (Optional)

Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Draw an arrow showing the direction north. You may substitute a publishing map showing the site location.

**I Description of Site: (Optional)**

Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste came from. Provide any other information or comments which may help describe the site conditions.

The Pillsbury Company leased this property as of September 1, 1979. Prior to our lease the property was in general use as a municipal waste disposal site. It is located next to a former disposal area operated by Monsanto which is now fenced off and posted "Danger - Unauthorized Personnel Keep Out". This area is that portion of property just west of our area designated by X above.

J Signature and Title:

The person or authorized representative (such as plant managers, superintendents, trustees or attorneys) of persons required to notify must sign the form and provide a mailing address (if different than address in item A). For other persons providing notification, the signature is optional. Check the boxes which best describe the relationship to the site of the person required to notify. If you are not required to notify check "Other".

Name The Pillsbury Company M330Street 608 2nd Avenue SouthCity Minneapolis State Mn Zip Code 55402

Signature

Date June 2, 1981

Director Safety and Remediation Activities

- ☐ Owner, Present
☐ Owner, Past
☐ Transporter
☒ Operator, Present
☐ Operator, Past
☐ Other

EPA Notification of Hazardous Waste Site

United States
Environmental Protection
Agency
Washington DC 20460

This initial notification information is required by Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and must be mailed by June 9, 1981.

Please type or print in ink. If you need additional space, use separate sheets of paper. Indicate the letter of the item which applies.

810609

IL#407

ILS-000-001-277

A Person Required to Notify:

Enter the name and address of the person or organization required to notify.

Name Browning-Ferris Industries of St. Louis, Inc.

Street 11506 Bowling Green

City Crestwood

State Mo.

Zip Code 63141

B Site Location:

Enter the common name (if known) and actual location of the site.

Name of Site Sanger Landfill

Street Near Levee Rd & Monsanto Ave

City St. Louis County ST CLAIR State ILL. Zip Code 62208

C Person to Contact:

Enter the name, title (if applicable), and business telephone number of the person to contact regarding information submitted on this form.

Name (Last, First and Title) Wells, Tom - District Manager

Phone 615-522-8161

D Dates of Waste Handling:

Enter the years that you estimate waste treatment, storage, or disposal began and ended at the site.

From (Year) 1963

To (Year) 1970

E Waste Type: Choose the option you prefer to complete

Option 1: Select general waste types and source categories. If you do not know the general waste types or sources, you are encouraged to describe the site in Item I—Description of Site.

General Type of Waste:

Place an X in the appropriate boxes. The categories listed overlap. Check each applicable category.

1. ☒ Organics
2. ☒ Inorganics
3. ☒ Solvents
4. ☒ Pesticides
5. ☒ Heavy metals
6. ☒ Acids
7. ☐ Bases
8. ☐ PCBs
- * 9. ☒ ~~Mixed Municipal Waste~~
- ** 10. ☐ ~~Unknown~~
11. ☒ Other (Specify)

* Sanitary sewage sludge with small quantities of unknown hazardous waste.

** Small quantities of unknown hazardous wastes mixed with industrial/commercial/municipal/household wastes.

Source of Waste:

Place an X in the appropriate boxes.

1. ☐ Mining
2. ☒ Construction
3. ☐ Textiles
4. ☒ Fertilizer
5. ☒ Paper/Printing
6. ☒ Leather Tanning
7. ☒ Iron/Steel Foundry
8. ☒ Chemical, General
9. ☒ Plating/Polishing
10. ☐ Military/Ammunition
11. ☐ Electrical Conductors
12. ☒ Transformers
13. ☒ Utility Companies
14. ☒ Sanitary/Refuse
15. ☒ Photofinish
16. ☐ Lab/Hospital
17. ☒ Unknown
18. ☐ Other (Specify)

Option 2: This option is available to persons familiar with Resource Conservation and Recovery Act (RCRA) Section 3 regulations (40 CFR Part 261).

Specific Type of Waste:

EPA has assigned a four-digit number to each hazardous waste listed in the regulations under Section 3001 of RCRA. Enter appropriate four-digit number in the boxes provided. A copy of the list of hazardous wastes and codes can be obtained by contacting the EPA Region serving the State in which the waste is located.

000297 JUN -981



Browning-Ferris Industries

Browning-Ferris Industries of St. Louis, Inc.
11506 Bowling Green
Creve Coeur, MO 63141

June 9, 1981

U.S. EPA Region 5
Sites Notification
Chicago, Illinois 60604

Dear Gentlemen:

Pursuant to Section 103(c) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), Browning-Ferris Industries of St. Louis, Inc. (hereinafter, together with its predecessors, is referred to as the "Company") hereby submits notifications (EPA Form 8900-1) for the following facilities, which were never owned or operated by the Company, but which were selected by Company for the disposal of hazardous wastes.

- | | | |
|----|-------------------------------|--------------------|
| 1) | Rt. 203 | E. St. Louis, Ill. |
| 2) | Mal Landfill - Chain of Rocks | Granite City, Ill. |
| 3) | Sauget Landfill | E. St. Louis, Ill. |

Please be advised that while EPA Form 8900-1 is being utilized by the Company for purposes of complying with the Section 103(c) notification requirement, some revisions to the form have been made which we believe more appropriately reflect the type of information being submitted. Also, please be advised that some of the facilities listed above are [were] operated as sanitary landfills which generally receive(d) commercial, industrial wastes, as well as household wastes. The Company has instituted procedures designed to preclude the transportation of such wastes to third party (i.e., third party or municipally owned/operated) sanitary landfills. However, several factors have made, and continue to make, it impossible to know for certain whether any wastes, now deemed by regulation to be hazardous, have ever been unknowingly transported to any of these sanitary landfills.

Prior to November 19, 1980, few states or local governments required generators of hazardous wastes to determine if their wastes were hazardous. Nor were they required to inform off-site commercial transporters or landfill owners/operators such as the Company of the

JUN 15 1981

type or quantity of such wastes received for off-site disposal.

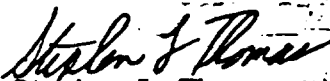
- o After November 19, 1980, only large generators of hazardous wastes were required to notify off-site commercial transporters and landfill owners/operators of the type and quantity of hazardous wastes received for off-site disposal.
- o Both before and after November 19, 1980, federal and state law have permitted the disposal of small quantities of hazardous wastes at sanitary landfills.

Therefore, Company has reported third party owned/operated sanitary landfills which the Company selected and to which it transported commercial, industrial or residential wastes, only if the Company has actual knowledge or a reasonable basis to believe that some of such wastes contained substances which would now be classified as hazardous.

In accordance with the public notice of the availability of Form 8900-1, 46 Fed. Reg. 22144 (April 15, 1981), the Company has not included facilities for which there has been previously filed a notification of hazardous waste activities and/or a "Part A" permit application as required by Sections 3005 and 3010 of the Resource Conservation and Recovery Act (RCRA).

Should you have any questions, please do not hesitate to contact the undersigned or Jim Scheline at (713) 870-8100.

Sincerely,



Stephen L. Thomas
Vice President

SLT/mbe

FRANK L. PELLEGRINI

LAW OFFICES
FRANK L. PELLEGRINI
A PROFESSIONAL CORPORATION
SUITE 400
CHOUTEAU CENTER
133 SOUTH ELEVENTH STREET
ST. LOUIS, MISSOURI 63102

TELEPHONE (314) 241-7448
FAX (314) 241-7449

August 29, 1989

William C. Child, Manager
Division of Land Pollution Control
Illinois Environmental Protection Agency
P. O. Box 19276
Springfield, Illinois 62794-9276

RE: YOUR LETTER OF AUGUST 7, 1989 TO EAGLE MARINE INDUSTRIES,
INC. AND YOUR LETTER OF AUGUST 7, 1989 TO RIVERPORT TERMINAL
AND FLEETING COMPANY
RESPONSE TO REQUEST FOR DOCUMENTATION

Dear Mr. Child:

Please consider this letter a collective response by Eagle Marine Industries and Riverport Terminal and Fleeting Company to your request for documentation which was contained in your August 7, 1989, letter.

Both Eagle and Riverport are involved in the river traffic business and basically purchased the property to secure riverfront interest for fleeting operations for the companies. In view of the operation of both Eagle and Riverport, much of the documentation requested in your letter is non-existent. I have perused the files and find the enclosed material to be responsive to your request, but if you need any additional information, please do not hesitate to contact me.

Very truly yours,



Frank L. Pellegrini

FLP/db

Enclosure

cc: Richard D. Burke (without enclosure)
Milton Greenfield, Jr. (without enclosure)

RECEIVED

AUG 31 1989

ICDA/NI PC

[illegible]

STATE OF ILLINOIS
 POLLUTION CONTROL BOARD

189 WEST MADISON STREET SUITE 900

DAVID P. CURRIE, CHAIRMAN
SAMUEL R. ALDRICH
JACOB D. DUMELLE
RICHARD J. KISSEL
SAMUEL T. LAWTON, JR.

CHICAGO, ILLINOIS 60602

TELEPHONE
312-793-3620

May 26, 1971

Mr. Paul Sauget
Sauget and Company
2902 Monsanto Avenue
Sauget, Illinois

Mr. Harold G. Baker, Jr.
Attorney
Drawer A
Belleville, Illinois

Mr. Thomas Scheuneman
Chief
Bureau of Legal Services
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

Mr. James Kechner
Chief - Southern Region
Environmental Control Division
Attorney General Building
500 South 2nd. Street
Springfield, Illinois 62706

PCB71-29
Saucet & Company

Dear Sirs:

Enclosed please find certified copies of the Sauguet and Company Opinion adopted by the Board in the above entitled case on May 26, 1971.

Kindly acknowledge receipt.

Very truly yours,

Regina E. Ryan
Clerk
Pollution Control Board

REF: jh
Encl.

CC: Mr. John H. Bickley, Jr.
Mr. Stanley L. Lind

ILLINOIS POLLUTION CONTROL BOARD
May 26, 1971

ENVIRONMENTAL PROTECTION AGENCY)

)

#71-29

v.)

)

SAUGET & COMPANY)

)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. ALDRICH):

Mr. Robert F. Kaucher, Special Assistant Attorney General,
for the Environmental Protection Agency.

Mr. Harold G. Baker, Jr., Belleville, for Sauget & Company and
Paul Sauget

The Environmental Protection Agency filed a complaint against Sauget and Company, a corporation. On motion of the Assistant Attorney General, Paul Sauget, operator of the company, was added as a party respondent. The complaint alleged that before, on and since November 30, 1970, Respondent had allowed open dumping at his solid waste disposal site in violation of Section 21(a) and (b) of the Environmental Protection Act ("Act") and Rule 3.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities ("Land Rules"). The complaint also alleged that since November 30, 1970, Respondent had permitted the open burning of refuse, had failed to provide adequate fencing or shelter, had allowed unsupervised unloading, had not spread and compacted the refuse as it was admitted, and had not covered the refuse at the end of each working day. Further, during the same period, Respondent allegedly had disposed of liquids and hazardous materials without proper approval, had imposed no insect or rodent control, had dumped refuse over a large impractical area and had permitted scavenging and improper salvaging operations. The aforementioned acts are all in violation of various provisions of the Land Rules and/or of the Act. At the hearing on April 13, 1971, allegations of inadequate fire protection and allowing the feeding of domestic animals were dismissed at the request of the Agency.

At the hearing the Agency asked that the wording of its complaint be amended by the substitution of "Before, on and since" for "Since" in all except the first alleged violation. As will become apparent later in the opinion, the failure of the Agency to include the more comprehensive wording was a critical factor in determining the number of violations of which the Board could find Sauget guilty. Respondent claimed surprise, contending that if the request were granted he would be deprived of an opportunity to prepare a defense against the new charges. We agree with Respondent's contention and dismiss

the request for amendments to the complaint. We hold, however, that Respondent was adequately warned by the Agency complaint against surprise of allegations on November 30.

Before considering the issues in the case, we must deal with Respondent's motion to dismiss the complaint. Respondent argues that the entire complaint should be dismissed on constitutional grounds, contending that the delegation of rule-making power to the Pollution Control Board is unconstitutional. He further contends that the Board cannot impose any fines because of constitutional prohibitions. In PCB 70-34, EPA v. Granite City Steel Co., we held that regulatory powers in highly technical fields are commonly delegated to administrative agencies at every level of government. Responsibility for all rule-making activities would impose an impossible burden on legislatures. We further held that the pollution statutes provide sufficient standards to guide the Board's judgement and adequate procedural safeguards to avoid arbitrary action. We have also held, in PCB 70-38 and 71-6, consolidated, EPA v. Modern Plating Corp., that the Board has the constitutional authority to impose money penalties. We find Respondent's constitutional arguments to be without merit.

* The evidence offered in the case leaves little doubt that Sauget & Company allowed open dumping at its solid waste disposal site. The Agency introduced photographs showing that certain identifiable objects were visible on successive days. This is in clear violation of Section 21(a) and (b) of the Act and Rules 3.04 and 5.07(a) of the Land Rules which prohibit open dumping and require that all exposed refuse be covered at the end of each working day. Indeed the record indicates that some refuse present on May 22, 1970, was still uncovered on March 8, 1971. Paul Sauget, secretary-treasurer of Sauget & Company admitted that refuse had not always been covered by the end of each day (R.169). He explained that this was mostly due to mechanical breakdowns of the equipment and contended that the "rule book" allows for such problems. However, Respondent did not attempt to prove that the failure to cover on the days specified by the Agency was due to mechanical breakdown. Further, there can be no excuse for permitting any refuse to remain uncovered for a period of almost a year. We do note, however, that conditions at the site have improved somewhat in recent months. Respondent has attempted to cover the refuse on a regular basis, but efforts in this regard have been hampered by the tremendous volume of material accepted.

* An important issue in the case is the type of cover material used. The record indicates that since March of 1966 Respondent had used cinders as cover. Paul Sauget testified that he had been told by the Chief Sanitary Engineer of the Department of Public Health that cinders were acceptable as cover. (R. 157). We agree that Sauget could rely upon the statement of the Department of Public Health as a defense against a charge of improper covering. Rule 5.07 of the Land Rules states that cover material must permit only minimal percolation of surface water when properly compacted. Clearly, cinders cannot be properly compacted and they allow more than minimal percolation. They are thus not acceptable as cover material and their use is in violation of the regulations.

The practice of covering with cinders must stop.

Respondent is alleged to have allowed open burning at his waste disposal site in violation of Section 9(c) of the Act and Rule 3.05 of the Land Rules. Photographs taken on December 1, 1970, and introduced by the Agency show material burning on the surface of the refuse. There is some evidence that both surface and sub-surface burning occurred on November 30, 1970. Paul Sauget testified that burning is not done intentionally but that some fires start accidentally. He claimed that when this happens, attempts are made to extinguish the fire. However, a witness from the Agency testified that on December 1, 1970, while Agency personnel were present no attempt was made by defendant's employees to put out a fire. There is reason to believe that Respondent has been negligent in his attempts to stop open burning at the landfill site.

Several witnesses testified that Sauget & Company did not have adequate fencing at its waste disposal site, a violation of Rule 4.03 (a) of the Land Rules. The Rule also requires that the site be furnished with an entrance gate that can be locked. These provisions are designed to prevent promiscuous dumping which renders impossible the proper daily compaction and covering of the refuse. Testimony by witnesses for the Agency indicated that the site in question was not adequately fenced nor provided with a proper gate. These conditions were said to exist on November 30, 1970 (R.31,89). The record indicates that improvements have been made since that time. Fencing was apparently installed on two sides of the landfill site between February 8, and March 22, 1971 (R. 122). Respondent did not dispute the Agency's observations of November 30, but indicated that since that date steps had been taken to restrict access to the site. The record is unclear as to the adequacy of some of these measures and we are undecided whether permanent fencing should be provided on all sides of the landfill site. The record indicates that the liquid waste disposal facility is adequately fenced.

Rule 4.03(a) of the Land Rules also requires that the hours of operation of a landfill site be "clearly shown". This is necessary in order to inform the public as to when dumping is permissible and facilitate proper supervision. Witnesses for the Agency testified that hours of operation were not posted on their visits to the site on November 30, 1970 and March 22, 1971 (R.89,119). This was disputed by Respondent who claimed that signs had been posted since July 1, 1970 (R.167). From the record it is evident that on several occasions the hours of operation were not clearly shown, as required by the regulation.

Again with regard to fencing, Rule 5.04 of the Land Rules requires that portable fences be used when necessary to prevent blowing of litter from the unloading site. Witnesses for the Agency testified that portable fencing had not been provided on three separate occasions since November 30, 1970 (R. 31,60,115). Respondent claimed that portable fences had been used near the face of the landfill since November 30 but did not specifically dispute the contentions of the Agency that fencing was absent on certain dates.

identified. We will therefore order that Sauget file with the Agency and Board a list of chemicals being disposed or an affidavit from Monsanto (the only user of the chemical dumping site) that the chemicals do not pose a threat to pollution of the Mississippi River by underground seepage. If the wastes prove to be of a hazardous nature, Sauget & Company will be required to obtain a letter of approval from the Agency according to provisions of 5.08 before continuing to handle such wastes.

Although Respondent's operations at the liquid disposal area do not violate the regulations, there is testimony that liquids have sometimes been deposited at the solid waste facilities. An employee of the Agency witnessed the disposal of liquid wastes at the landfill on three occasions since November 30, 1970 (R.114,117,121). All disposal of liquids at the solid waste facilities must cease.

Paul Sauget admitted allowing "midnight driver sanitary people" to dump at the landfill (R.160). If, as we surmise, this is pumpings from septic tanks it is obviously a most unsanitary practice and is in clear violation of Rule 5.08 of the Land Rules.

Sauget & Company is also alleged to have operated its landfill operation without insect and rodent control in violation of Rule 5.09 of the Land Rules. There is ample evidence that rats have lived at the site (R. 32,39,91). Paul Sauget professed not to know that control was required (R.170). The problem of insect and rodent control is likely due to failure to provide adequate cover for the refuse. Richard Ballard of the Department of Public Health testified that in the absence of daily covering pest control will never be attained (R.92).

There are still more complaints. The Agency alleges that Sauget Company has violated the regulations dealing with scavenging (Rule 5.12 the manual sorting of refuse) and salvaging (Rule 5.10, not defined). Paul Sauget testified that salvage operations were permitted at the site for purposes of safety to the bulldozer and operator and so that the refuse could be compacted properly (R.172). He denied the Agency's contentions that salvaging interfered with the landfill operation and that salvaged materials were allowed to remain at the site in violation of Rules 5.10(c) and (d) of the Land Rules. A witness for the Agency did testify that on March 8, 1971, the sorting operations created less interference than those which he observed earlier (R.61). It is difficult to determine from the record whether many of the activities witnessed constitute a violation of the ban on scavenging or of unsanitary vage operations. It is clear that materials have been illegally sorted by hand at the dumping site (R.115). This must cease. Scavenging is prohibited and salvage must be conducted at an area remote from the operating face of the fill.

Significance of "warning" Respondent:-

In previous cases where the Respondent had no prior warning and the violations were not flagrant, the Board assessed penalties of \$100 (EPA v. J. M. Cooling, PCB 70-2, and EPA v. Neal Auto Salvage, Inc., PCB 70-5). Where Respondents had prior warning of a history of

actual violation, fines of \$1500 were assessed (EPA v. Eli Amigoni, PCB 70-15, and EPA v. R. H. Charlett, PCB 70-17). This, however, should not be construed as foreclosing fines of greater amount in appropriate circumstances.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

✓ 1. Sauget & Company and Paul Sauget are to comply with Rules 5.06 and 5.07(a) of the Rules and Regulations for Refuse Disposal Sites and Facilities by completing the compaction and covering of all exposed refuse by the end of each working day.

2. Sauget & Company and Paul Sauget are to cease and desist the use of cinders as cover material.

✓ 3. Sauget & Company and Paul Sauget are to cease and desist the open dumping of refuse in violation of Section 21(a) and (b) of the Environmental Protection Act and Rule 3.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities.

4. Sauget & Company and Paul Sauget are to cease and desist the open burning of refuse in violation of Section 9(c) of the Environmental Protection Act and Rule 3.05 of the Rules and Regulations for Refuse Disposal Sites and Facilities.

5. Sauget & Company and Paul Sauget are to cease and desist the disposal of liquids at its solid waste disposal facility in violation of Rule 5.08 of the Rules and Regulations for Refuse Disposal Sites and Facilities.

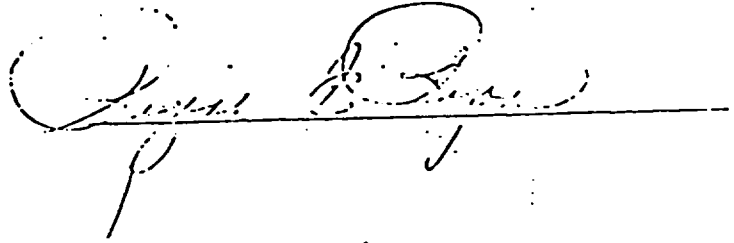
6. Sauget & Company and Paul Sauget are to comply with Rules 4.03(a) and 5.04 of the Rules and Regulations for Refuse Disposal Sites and Facilities with regard to the posting of hours of operation and the provision of proper fencing. Every point of practicable vehi access shall be fenced.

7. Sauget & Company and Paul Sauget are to cease and desist the sorting of refuse by hand in violation of Rules 5.10 and/or 5.12 of the Rules and Regulations for Refuse Disposal Sites and Facilities.

★ 8. On or before June 15, 1971, Sauget & Company and Paul Sauge shall file with the Agency and the Board a list of chemical compound being deposited in the liquid waste disposal facility, or an affidavit of Monsanto Company that the chemicals do not pose a threat of pollution of the Mississippi River by underground seepage. Upon failure to furnish such information, the Board shall hold a supplemental hearing on five days' notice to the parties and shall enter such further Order as shall be appropriate.

9. Sauget & Company and Paul Sauget shall remit to the Environmental Protection Agency the sum, in penalty, of \$1,000.00.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above opinion and order this 22 day of May, 1971.

A handwritten signature, likely of Regina E. Ryan, is written over a horizontal line. The signature is cursive and stylized, with a large initial 'R'.

June 15, 1973

Mr. Paul Sauget
c/o Sauget City Hall
Sauget, Illinois 62201

"Personal and Confidential"

In re: Sauget Landfill
Fred Leyhe - Notre Dame Fleeting & Towing, Inc.

Dear Mr. Sauget:

We wish to advise that this office represents Mr. Fred Leyhe and the Notre Dame Fleeting & Towing, Inc. Mr. Leyhe is now the present owner of Tract 4 and 5 which are noted on the enclosed plat. It is our understanding that you are operating a landfill on Tract 4 at the present time even though the property is not owned by you. Mr. Leyhe has indicated to me that there is no agreement at the present time between your company and his that would permit dumping on Tract 4. It is our further understanding that dumping is continuing on Tract 4 at the present time without the permission of Mr. Leyhe or any officer of his company.

Further, we have been informed by the Environmental Protection Agency that the type of dumping that is being performed is violative of several of their standards. Therefore, please consider this letter our notice to you to cease immediately all of your landfill operations on the property owned by my client.

If you have any questions or wish to discuss the matter in more detail, please contact me.

Very truly yours,

Frank L. Pellagrini

FLP/65

Enclosure

Sauget and Company

2902 MONSANTO AVENUE
SAUGET, ILLINOIS 62206



337-5267

337-4600

July 7, 1972

Mr. Don C. Elsaesser
135 North Meramec
St. Louis, Missouri

Dear Mr. Elsaesser:

As per our telephone conversation on July 6, I would like to lease the old Milan landfill site for a sanitary landfill.

✓ It will be operated in accordance with the Rules and Regulations of the State of Illinois Environmental Protection Agency.

This area is in the Village limits of Cahokia, which has an ordinance regulating landfills. A license or permit would have to be obtained from the Village.

I would pay \$100.00 per month for the lease beginning approximately September 1, 1972 and continue until I would have to stop dumping or until the site would be filled. Before I start any filling I will have to do some excavating in accordance with the Rules and Regulations of the Illinois Environmental Protection Agency.

Sincerely,

PAUL SAUGET

PS/bjl

Don C. Elsaesser, Co-Trustee

Charles E. Richardson, Co-Trustee

CAHOKIA TRUST PROPERTIES

(Mississippi River Industrial Sites)

Cahokia, Illinois and Monsanto, Illinois

~~200 MONSANTO AVENUE - ST. LOUIS, MISSOURI 63105 - RCL-4000~~

135 North Meramec Avenue

863-5005

July 14, 1972

Mr. Paul Sauget
 Sauget and Company
 2902 Monsanto Avenue
 Sauget, Illinois 62206

Re: Old Milam Land Fill Site
 Cahokia, Illinois

Dear Mr. Sauget:

In accordance with our prior conversations and your letter proposal of July 7, 1972, we are agreeable to permit you and Sauget and Company to use the above property for a land fill site providing:

1. You operate said land fill in accordance with the Rules and Regulations of the State of Illinois Environmental Protection Agency and any other Governmental agency having jurisdiction and;
2. The Rules and Regulations and Ordinances of St. Clair County and;
3. Providing you operate same in accordance with the ordinances of the Village of Cahokia, Illinois and secure the necessary licenses or permits from said Village and;
4. That you provide the Cahokia Trust and it's Trustees, Charles E. Richardson, Donald C. Elsaesser, and Russell R. Richardson a Liability Policy indemnifying them against any liability as a result of any injury to persons and/or property in connection with said land fill operations on properties owned by Cahokia Trust.

The rental of said land site will be on a month to month basis and will be subject to a 30 day cancellation notice in event said property is sold.

Approved: July 21, 1972

Date

SAUGET AND COMPANY

By: Paul Sauget
 Paul Sauget

CAHOKIA TRUST

By: Donald C. Elsaesser

Donald C. Elsaesser

Co-Trustee

Charles E. Richardson
 Charles E. Richardson

CAHOKIA TRUST PROPERTIES

(Mississippi River Industrial Sites)

Cahokia, Illinois and Monsanto, Illinois

~~6201 MARYLAND AVENUE~~ • ST. LOUIS, MISSOURI 63105 • PA-1-6600-
135 No. Meramec Avenue 863-5005

April 4, 1973

Mr. Paul Sauget
Sauget and Company
2902 Monsanto Avenue
Sauget, Illinois 62206

Dear Mr. Sauget:

This is to officially advise you that on Monday, April 2, 1973 the Trustees of Cahokia Trust officially closed the sales on Tract #4 (165.143 acres) and Tract #5 (635.868 acres) of the Cahokia Trust properties of which you are thoroughly familiar.

On Tract #4 the Trustee's Deed was delivered to Fred H. Leyhe.

On Tract #5 the Trustee's Deed was delivered to Notre Dame Fleeting & Towing Service, Inc. The sales were closed at Chicago Title Insurance Company in Belleville and the Deeds were duly recorded.

In accordance with the letter agreement dated July 14, 1972 by and between Trustees of the Cahokia Trust and Sauget and Company we are hereby giving you the 30 day cancellation notice required as per the last paragraph of this agreement, "The rental of said land site will be on a month to month basis and will be subject to a 30 day cancellation notice in event said property is sold".

As you recall on Monday, January 22, 1973, I brought Mr. Fred Leyhe and Mr. Dick Burke, both officers of Notre Dame Fleeting & Towing Service, Inc. to your office in Sauget Village for the purpose of meeting each other. We advised you at the time that both Tracts #4 and #5 were scheduled to close on April 2, 1973. We also went over with you the new surveys of both tracts that were completed in January by Elbring Surveying Co.

Mr. Fred Leyhe will be calling you in the near future to discuss with you any future plans on both parcels.

Enclosed is a copy of the agreement referred to above and dated July 14, 1972. Mr. Fred Leyhe's phone # is GA1-3575 and his address is:

Mr. Fred H. Leyhe, President
Notre Dame Fleeting & Towing Service, Inc.
Suite 1252
112 N. Fourth Street
St. Louis, Missouri 63102

DISPOSAL AGREEMENT

THIS AGREEMENT made and entered into this 17TH day of JUNE, 1974 by and between FRED H. and LOUISE K. LEYHE, hereinafter called "Leyhe" party of the first part and UNION ELECTRIC COMPANY, a Missouri corporation, hereinafter called "Union Electric" as party of the second part.

WITNESSETH THAT:

WHEREAS, Union Electric has an electric power plant in the Village of Monsanto, Illinois known as the Cahokia Power Plant, hereinafter referred to as "Plant", which plant has for disposal during its operation waste, slag, cinders, ash and oil residues from its furnaces, and

WHEREAS, Leyhe is the owner of a tract of land adjacent to said plant as more particularly set out on Exhibit A and attached hereto and incorporated by reference herein, and

WHEREAS, Union Electric is desirous of leasing approximately twelve (12) acres of aforesaid tract of land, and

WHEREAS, Union Electric has already done some filling with waste, ash and cinders on certain portions of said tract and wishes to continue to do so, and

WHEREAS, Leyhe wishes to accomodate Union Electric as to its wishes to continue dumping its said waste, slag, cinders, ash, oil residue, etc.

NOW THEREFORE, for and in consideration of the mutual promises and undertakings it is agreed as follows:

1) Leyhe agrees to and does hereby grant to Union Electric all such easements and rights as are necessary for Union Electric to deposit said waste materials which are at least as suitable for building foundations as existing sandy alluvial soils on only that portion of said tract set out on Exhibit B and attached hereto and incorporated by reference herein.

2) In the case the fill made by Union Electric becomes so dusty as to become a nuisance during the period in which this agreement is in effect, then upon demand by Leyhe, Union Electric shall, as soon as possible, take such steps as are necessary to eliminate the dust nuisance and Union Electric agrees that it will indemnify Leyhe, or their successors or their assigns, for any liability or damage or expense resulting from or by reason of such nuisance.

3) It is understood and agreed that Union Electric shall use all practical precautions to prevent accidents from occurring and also that Union Electric assumes and agrees to pay for all damages to persons and/or property including property of Leyhe arising out of or pertaining in any way to any work and/or dumping herein contemplated, and furthermore Union Electric is to fully protect and indemnify Leyhe against any and all costs including attorneys fees, judgments and penalties which Leyhe may become liable for by reason of any such suits or administrative proceedings.

4) Union Electric agrees that it shall be its sole responsibility to secure the necessary permits for its said waste disposal from, including but not limited to, the Illinois Environmental Protection Agency, the Federal EPA Office, the Corp of Engineers, the Illinois Department of Transportation and any other such permit as may be required by any governmental authority whatsoever to proceed with the dumping of its waste materials on said property. Union Electric agrees that it shall be responsible for defending any such action and paying any assessments and/or penalties as a result of such action or actions by any governmental agency which arise because of said waste disposal by Union Electric.

5) This agreement and all of its provisions shall terminate two (2) years from the date hereof.

6) Union Electric shall pay to Leyhe the sum of Twenty One Thousand Six Hundred Dollars (\$21,600.00) over a two (2) year period, said sum being due and payable in advance on the first month of each quarter as follows:

April 1, 1974 Two Thousand Seven Hundred Dollars (\$2,700.00).
July 1, 1974 Two Thousand Seven Hundred Dollars (\$2,700.00).
October 1, 1974 Two Thousand Seven Hundred Dollars (\$2,700.00).
January 1, 1975 Two Thousand Seven Hundred Dollars (\$2,700.00).
April 1, 1975 Two Thousand Seven Hundred Dollars (\$2,700.00).
July 1, 1975 Two Thousand Seven Hundred Dollars (\$2,700.00).
October 1, 1975 Two Thousand Seven Hundred Dollars (\$2,700.00).
January 1, 1976 Two Thousand Seven Hundred Dollars (\$2,700.00).

It is agreed that in the foregoing instrument all obligations and rights of Union Electric set forth in the foregoing shall apply with equal force and effect to successors or assigns of said Union Electric and furthermore that all obligations and rights of Leyhe set forth in the foregoing shall apply with equal force and effect to successors and assigns.

7) Union Electric agrees to use said property solely for the disposal of its waste at the Cahokia Plant. It further agrees to maintain its pipes, etc. placed on said property at its own expense. Further, Union Electric agrees not to make alterations or perform any permanent construction upon said property without Leyhe's prior written consent.

8) Union Electric agrees not to assign this agreement in whole or in part without the prior written consent of Leyhe. Leyhe hereby consents to the assignment of the lease to a corporation wholly owned by Union Electric provided that the corporation assumes all of the obligations of Union Electric under the lease. In no event shall Union Electric be relieved of its obligation under this lease.

9) In the event that Union Electric shall default in payment of rent or fail in the performance of its other obligations under this lease, Leyhe may in addition to other remedies provided by law, terminate this lease and re-enter upon the premises. Upon re-entry, whether it be actual or constructive, Leyhe may re-let the premises for Union Electric's account. Union Electric remaining liable for the unpaid balance of the rent to the extent of any deficiency from the re-letting as well as all reasonable costs incurred as a result of the re-letting including attorneys fees. Leyhe shall not be obligated to re-let the premises.

10) Union Electric agrees that if during the term of this agreement and prior to its normal termination Leyhe receives a bonafide offer to sell all of the tract as described in Exhibit A, or a portion of the tract as described in Exhibit A, but including all or a portion of the tract described in Exhibit B; or if Leyhe receives an offer for the lease of all of the tract as described in Exhibit A, or a portion of the tract described in Exhibit A but including all or a portion of the tract as described in Exhibit B, then in either of such events, Leyhe may terminate this agreement upon thirty (30) days written notice to Union Electric.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year set forth above.


UNION ELECTRIC COMPANY

By


Vice President

ATTEST:


Secretary


Fred H. Leyhe


Louise K. Leyhe

EXHIBIT A

ALL those certain lots, pieces and parcels of land with the buildings and improvements thereon, situate, lying and being in the County of St. Clair, and State of Illinois, bounded and described as follows:

Part of Lot No. 302 of the "FOURTH SUBDIVISION CAHOKIA VILLAGE COMMON"; reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of PLATS B on Page 10, and parts of Lot No. 304 of the "SIXTH SUBDIVISION CAHOKIA VILLAGE COMMON"; reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plats B on page 25, described as follows:

Beginning at a point in the South line of Riverview Avenue, 70 feet wide, said point being the Northeast corner of a tract of land conveyed to Monsanto Chemical Company by deed recorded in Book 1299 on Page 310 of the St. Clair County Records; thence along the South line of Riverview Avenue, South 68 degrees 20 minutes 30 seconds East 599.36 feet to a point on the West right-of-way line of the Gulf-Mobile and Ohio Railroad, 100 feet wide; thence along the West right-of-way line of said railroad, South 32 degrees 02 minutes 32 seconds West 238.21 feet to a point of curve; thence continuing along the West Right of Way line of said railroad along a curve to the left having a radius of 2914.93 feet an arc distance of 503.27 feet to the point of tangent; thence still continuing along the West right-of-way line of said railroad, South 22 degrees 09 minutes 00 seconds West 4189.77 feet to a point, said point being on the North line of a 56.7 foot wide strip of land conveyed to Monsanto Chemical Company by deed recorded in Book 995 on page 32 of the St. Clair County Records; thence leaving the West Right-of-Way line of said Gulf-Mobile and Ohio Railroad and along the North line of said Monsanto Chemical Company tract South 58 degrees 21 minutes 41 seconds West 993.81 feet to a point on the North line of a tract of land established in survey by Robert P. Weinel during April 1968; thence

in a Northwesterly direction along last mentioned line North 49 degrees 32 minutes 09 seconds West 1233.98 feet to a point on the Eastern Inner Harbor Line of the Mississippi River; thence Northwesterwardly North 49 degrees 32 minutes 09 seconds West 250.43 feet to a point in the Eastern Outer Harbor Line of the Mississippi River; thence along the Eastern Outer Harbor Line of the Mississippi River the following courses and distances: North 36 degrees 31 minutes 47 seconds East 24.23 feet, North 33 degrees 10 minutes 43 seconds East 472.19 feet, North 31 degrees 48 minutes 54 seconds East 472.19 feet, North 29 degrees 46 minutes 17 seconds East 470.03 feet, North 28 degrees 34 minutes 43 seconds East 375.63 feet, North 26 degrees 50 minutes 51 seconds East 371.40 feet, North 25 degrees 55 minutes East 533.00 feet, and North 24 degrees 47 minutes 21 seconds East 437.16 feet to a point, said point being the Southwest corner of a tract of land conveyed to Monsanto Chemical Company by deed recorded in Book 1537 on Page 601 of the St. Clair County Records; thence leaving the Eastern Outer Harbor line of the Mississippi River and along the South line of said Monsanto Chemical Company tract, South 68 degrees 20 minutes 30 seconds East 250.37 feet to a point on the Eastern Inner Harbor Line of the Mississippi River; thence leaving the Eastern Inner Harbor line of the Mississippi River; and along the South line of said Monsanto Chemical Company tract, South 68 degrees 20 minutes 30 seconds East 1138.50 feet to the Southeast corner of said Monsanto Chemical Company tract; thence along the East line of said Monsanto Chemical Company tract, North 22 degrees 09 minutes 00 seconds East 1169.42 feet to a point; thence continuing along said East line and also the East line of a tract of land conveyed to Monsanto Chemical Company by deed recorded in Book 1299 on page 310 of the St. Clair County Records, North 12 degrees 22 minutes 24 seconds East 841.96 feet to the point of beginning.

Excepting however, that part conveyed in Deed from Charles E. Richardson and Donald C. Elsaesser, as trustees, to The East Side Levee and Sanitary District, dated July 28, 1965 and recorded on August 4, 1965 as Document No. A213330, more particularly described as follows:

Beginning at the intersection of the Westerly right-of-way line of the Gulf, Mobile and Ohio Railroad and the centerline of Riverview Avenue (70 feet wide) thence Southwardly 370 feet along the above mentioned right-of-way line; thence Westwardly and perpendicular to the Westerly right-of-way line of the Gulf, Mobile and Ohio Railroad, to a point which is 10 feet landward of the centerline of the spur track of the Alton and Southern Railroad to the Union Electric Tract; thence along a curve to the left, being 10 feet from and parallel with the centerline of the above mentioned spur tract to the centerline of Riverview Avenue (70 feet wide); thence Eastwardly to the point of beginning.

UNION ELECTRIC COMPANY
1901 GRATIOT STREET - ST. LOUIS

January 8, 1974

MAILING ADDRESS
P O BOX 148
ST. LOUIS, MO. 63166

Mr. Frank L. Pelligrini
Attorney at Law
Suite 1025
706 Chestnut Street
St. Louis, Missouri 63101

Dear Mr. Pelligrini:

This letter will supplement information furnished to you, Mr. Fred H. Leyhe, and Mr. Richard Burke by myself and Mr. Paul Abendschein at the recent meeting in Mr. Leyhe's office regarding wastes to be deposited in the ash pond on property now owned by Mr. Leyhe south of our Cahokia Power Plant when this plant is converted from coal firing to oil firing.

After this plant is converted to oil firing, the existing ash pond will be used to precipitate solid materials from a variety of plant discharges such as treated sanitary wastes, boiler blowdown, evaporation blowdown, water treatment wastes, and floor drain wastes. There will be no waste oil, tar residue or combustible material deposited in the pond as a result of the oil firing of this plant. The new deposits to be placed in the pond will be comparable in texture to fly ash insofar as foundation stability is concerned. All of our proposed deposits will meet EPA standards.

Under the terms of the original Ash Disposal Agreement dated December 3, 1952 between the Pitzman Trustees and Union Electric Company, there is no monetary consideration involved because at the time the agreement was executed it was agreed that our disposal of fly ash in the pond was mutually beneficial to both parties. We believe it would still be beneficial to your client and to us to continue the filling of the pond with these new discharges.

State of Illinois Permit No. 8002 authorizes us to fill an area of approximately 150 acres with fly ash and pit ash from our Cahokia Plant. This acreage is now owned by your client. This permit expired on December 31, 1973; however, we have requested an extension of the permit and we have also requested the State of Illinois to amend the permit to include the discharges listed above. We will keep this permit and any other permits required by governmental agencies in force continuously while we are discharging materials in the ash pond.

Live Better . . .



. . . Electrically

Union Electric Company will be agreeable to indemnification of your client as a result of our use of the ash pond.

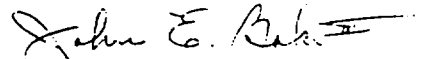
We would like to discharge these materials in the pond for a period of ten years and on a year-to-year basis thereafter until terminated by either party giving the other six months' prior notice of its intent to terminate.

We have been advised by our Operating Department that we have no river frontage available for use by your client.

We propose to enter into a new agreement with your client to cover the discharges listed above. Please review this information and furnish us any comments you may have regarding these matters.

Thank you for your cooperation.

Yours very truly,



John E. Baker, III
Real Estate Agent

PA/db

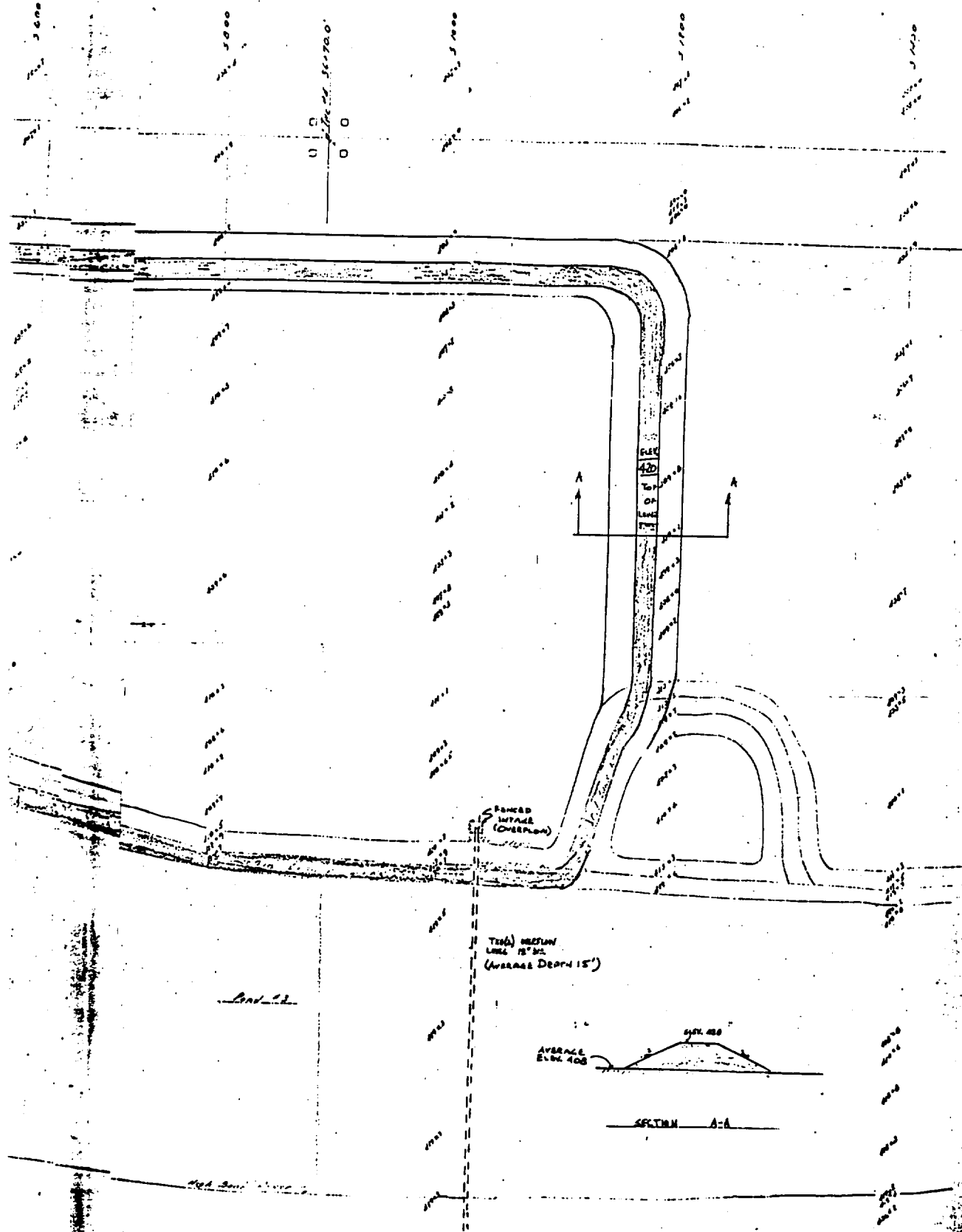
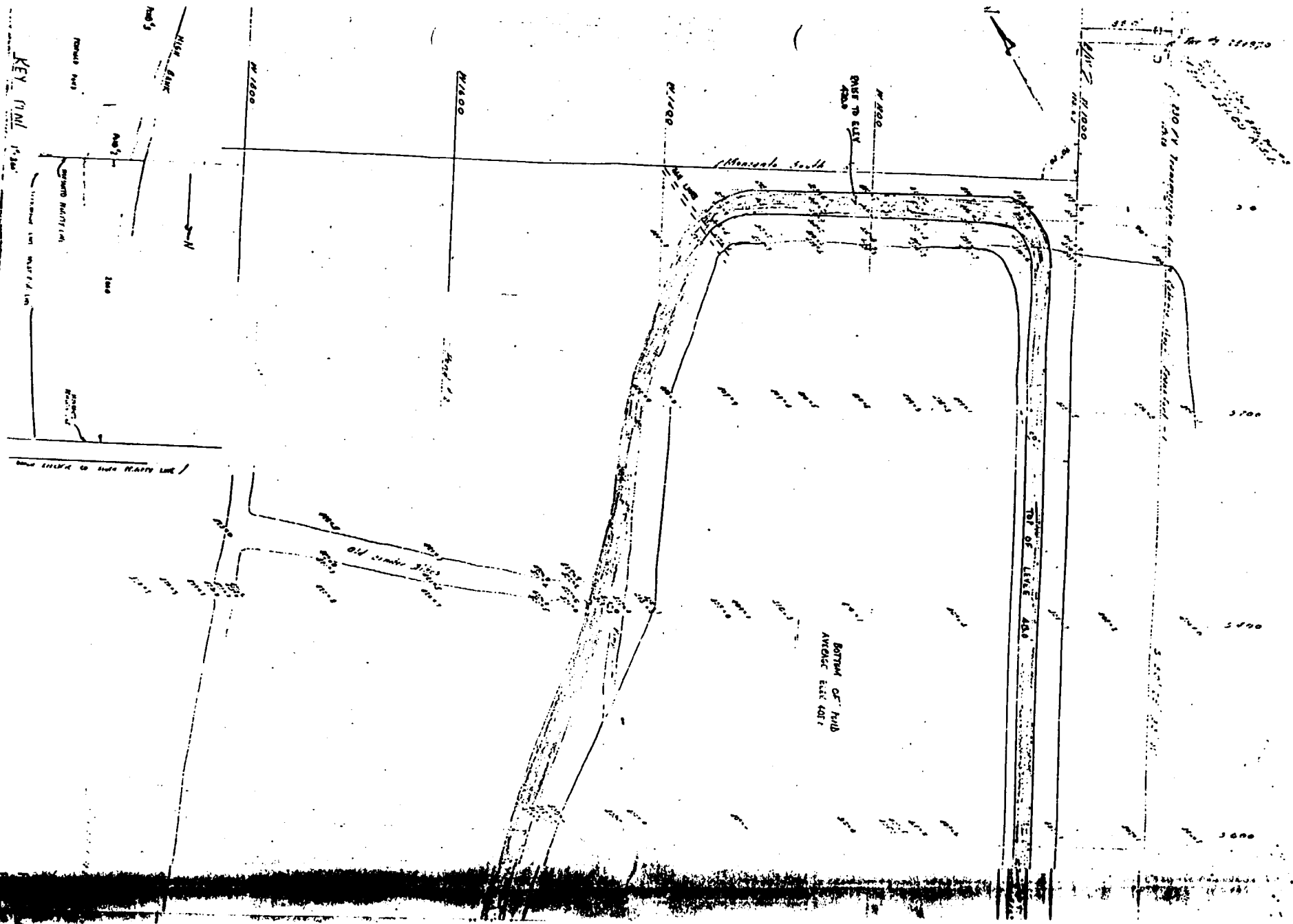


EXHIBIT "B"

PROPERTY PLAN ASH DISPOSAL AREA SHEET 3			
UNION ELECTRIC SYSTEM ST. LOUIS, MO. ENGINEER CANOKIA PLANT		7510-X-47187	



618/345-0700

September 13, 1974

IN REPLY REFER TO: 10612101
ST. CLAIR COUNTY - Land Pollution Control
Sauget/Sauget

Sauget and Company
2902 Monsanto Avenue
Sauget, Illinois 62206

and

Mr. Fred M. Leyhe
Notre Dame Fleeting Service
112 North 4th
St. Louis, Missouri

Gentlemen:

Your refuse disposal facility located in and near Sauget, Illinois was inspected on August 21, 1974, by P. M. McCarthy, representing this Agency.

The inspection disclosed the following conditions which may constitute violations of the Illinois Environmental Protection Act and Chapter 7, of the Illinois Pollution Control Board Rules and Regulations on Solid Waste:

Open dumped refuse was observed.

The finished areas of your landfill have not received satisfactory final cover.

Refuse was not being satisfactorily covered.

Access to the site is not restricted.

The inspection revealed that someone was actively dumping demolition refuse on the site and had a caterpillar tractor at the dumping location.

Your refuse disposal site does not have a permit issued by this Agency. Chapter 7, of the Illinois Pollution Control Board Rules and Regulations on Solid Waste provide in substance that, subject to the specific exemption contained in Section 21 (c) of the Act, no person shall cause or allow the use or operation of any existing solid waste management site without an operating permit issued by the Agency on or before July 27, 1974.

Sauger and Company and
Mr. Fred H. Layne
Page -2-
September 13, 1974

The results of our investigation have been forwarded to the Enforcement Section for legal review and may be referred to the Attorney General's Office for action before the Pollution Control Board pursuant to the Environmental Protection Act and Chapter 7, of the Illinois Pollution Control Board Rules and Regulations on Solid Waste.

Mr. McCarthy may be contacted by telephone at the above noted number.

Sincerely,

ENVIRONMENTAL PROTECTION AGENCY

Kenneth G. Mensing

Kenneth G. Mensing
Regional Supervisor
Surveillance Section
Division of Land Pollution Control

RLM:me
cc IV
Legal

STATE OF ILLINOIS)
) SS
COUNTY OF ST. CLAIR)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-84
)
PAUL SAUGET, individually, SAUGET AND)
COMPANY, a Delaware corporation, EAGLE)
MARINE INDUSTRIES, INC., a Missouri)
corporation, and RIVER PORT FLEETING)
INC., a Missouri corporation,)
)
 Respondents.)

N O T I C E

TO: Harold G. Baker, Jr.
Attorney at Law
56 South 65th Street
Belleville, Illinois 62223

Eagle Marine Industries, Inc.
% C. T. Corporation Systems,
Registered Agent
208 S. LaSalle Street
Chicago, Illinois 60604

River Port Fleeting, Inc.
% C. T. Corporation Systems
208 S. LaSalle Street
Chicago, Illinois 60604

YOU ARE HEREBY NOTIFIED of the filing of the attached
Amended Complaint which was mailed to the Pollution Control Board
on August 4, 1977, a copy of which is attached hereto and
herewith served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT
ATTORNEY GENERAL

BY: Ann L. Carr
Assistant Attorney General
Environmental Control Division
Southern Region

500 South Second Street
Springfield, Illinois 62706
(217) 782-1090

Environmental Protection Act, Ill. Rev. Stat., 1975, ch. 111 1/2, par. 1004 ("Act").

2. The Respondent PAUL SAUGET is an officer and a principal owner of SAUGET AND COMPANY, a Delaware corporation.

3. The Respondent SAUGET AND COMPANY is a corporation organized under the laws of the State of Delaware and, at all times pertinent to this Complaint until November 15, 1973, was authorized to do business in the State of Illinois.

4. On November 15, 1973, the Secretary of State of the State of Illinois revoked the authority of the Respondent SAUGET AND COMPANY to transact business in the State of Illinois.

5. At all times pertinent to this Complaint, beginning before July 1, 1970, and continuing each and every day to on or about January 21, 1975, the Respondents, PAUL SAUGET and SAUGET AND COMPANY, and each of them, operated a refuse disposal site of approximately 35 acres located in Township 2 north, Range 10 west of the 3rd Principal Meridian, Centreville Township, St. Clair County, Illinois. Said refuse disposal site is located partly within the limits of the Village of Sauget, Illinois, and lies adjacent to the Mississippi River.

6. The Respondent EAGLE MARINE INDUSTRIES, INC. is a corporation organized under the laws of the State of Missouri and, at all times pertinent to this Complaint licensed to do business in the State of Illinois.

7. Prior to a December of 1973 amendment to its articles of incorporation Respondent EAGLE MARINE INDUSTRIES, INC. was known as Notre Dame Fleeting & Towing, Inc.

8. Respondent EAGLE MARINE INDUSTRIES, INC. has owned at all times pertinent to this Complaint, and presently owns a portion of the refuse disposal site operated by Respondents PAUL SAUGET and SAUGET AND COMPANY.

9. The Respondent RIVER PORT FLEETING, INC. is a corporation organized under the laws of the State of Missouri and, at all times pertinent to this Complaint licensed to do business in the State of Illinois.

10. Respondent RIVER PORT FLEETING, INC. has from January of 1975 to the present owned a portion of the refuse disposal site operated by Respondents PAUL SAUGET and SAUGET AND COMPANY.

11. Section 21 of the Act, Ill. Rev. Stat., 1975, ch. 111 1/2, par. 1021, provides in part:

"No person shall:

(a) Cause or allow the open dumping of garbage;

(b) Cause or allow the open dumping of any other refuse in violation of regulations adopted by the Board;

* * *

(c) Conduct any refuse-collection or refuse-disposal operations, except for refuse generated by the operator's own activities, without a permit granted by the Agency upon such conditions, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations adopted thereunder...."

12. Pollution Control Board Rules and Regulations, Chapter 7: Solid Waste ("Chapter 7:), Rule 301, provides:

"No person shall cause or allow the operation of a sanitary landfill unless each requirement of this Part [Rules 301-318] is performed."

13. Rule 305(c) of Chapter 7 provides:

"Unless otherwise specifically provided by permit, the following cover requirements shall be performed:

(c) Final Cover - a compacted layer of not less than two feet of suitable material shall be placed over the entire surface of each portion of the final lift not

later than 60 days following the placement of refuse in the final lift, unless a different schedule has been authorized in the Operating Permit."

14. No permit issued to any of the Respondents authorized a mode of operation contrary to that prescribed in Rule 305(c).

15. Disposal operations at the above-described site were discontinued on or about January 21, 1975.

16. From March 22, 1975, and continuing each and every day until the date of filing of this Complaint, the Respondents PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., and each of them, have failed to place the required final cover over the above-described site in violation of Rule 305(c) of Chapter 7 and of Section 21 of the Act.

WHEREFORE, the Complainant ILLINOIS ENVIRONMENTAL PROTECTION AGENCY prays:

1. That the Board set a hearing date in this matter to be not less than twenty-one (21) days from the date of service of this Complaint, at which time the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., each be required to answer the allegations herein.

2. That the Board, after due consideration of any statements, testimony, and arguments as shall be duly submitted at the hearing, or upon default in the appearance of the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., enter and issue a final order directing the Respondents and each of them to cease and desist from further violations.

3. That the Board impose upon the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., jointly and severally, a monetary penalty of Ten Thousand Dollars (\$10,000) for the violation alleged, plus One Thousand Dollars (\$1000) for each day on which the violation alleged shall have continued.

4. That the Board require the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., to post a performance bond or other security to assure the correction of the violation alleged within the time prescribed.

5. That the Board issue and enter such additional final order, or make such additional final determination, as it shall deem appropriate under the circumstances.

COUNT II

1-8. Complainant realleges and incorporates by reference paragraphs 1-8 of Count I as paragraphs 1-8 of this Count II.

9. Section 12(a) of the Act, Ill. Rev. Stat., 1975, ch. 111 1/2, par. 1012(a), provides:

"No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act."

10. Pollution Control Board Rules and Regulations, Chapter 3: Water Pollution ("Chapter 3"), Rule 203(a), provides in part:

"Except as otherwise provided in this Chapter, all waters of the State shall meet the following standards:

(a) Freedom from unnatural sludge or bottom deposits, floating debris, visible oil, odor, unnatural plant or algal growth, unnatural color or turbidity, or matter in concentrations or combinations toxic or harmful to human, animal, plant or aquatic life of other than natural origin."

11. In the spring of 1973 beginning on or about March 26,

1973, and continuing through at least May 11, 1973, the above-described site was flooded by the Mississippi River, and all refuse previously deposited which had not received cover then became either a bottom deposit or floating debris in the Mississippi River.

12. During the period of time in the spring of 1973 when the above-described site was flooded by the Mississippi River, the Respondents, PAUL SAUGET, SAUGET AND COMPANY, and EAGLE MARINE INDUSTRIES, INC., caused or allowed refuse to be dumped into the water on the site, which refuse was carried off the site and into the main channel of the Mississippi River by receding flood waters.

13. The aforesaid conduct by the Respondents, PAUL SAUGET, SAUGET AND COMPANY, and EAGLE MARINE INDUSTRIES, INC., constitutes violations of Rule 203(a) of Chapter 3 and of Section 12(a) of the Act.

WHEREFORE, the Complainant ILLINOIS ENVIRONMENTAL PROTECTION AGENCY prays:

1. That the Board set a hearing date in this matter to be not less than twenty-one (21) days from the date of service of this Complaint, at which time the Respondents, PAUL SAUGET, SAUGET

AND COMPANY, and EAGLE MARINE INDUSTRIES, INC., each be required to answer the allegations herein.

2. That the Board, after due consideration of any statements, testimony, and arguments as shall be duly submitted at the hearing, or upon default in the appearance of the Respondents, PAUL SAUGET, SAUGET AND COMPANY, and EAGLE MARINE INDUSTRIES, INC., enter and issue a final order directing the Respondents and each of them to cease and desist from further violations.

3. That the Board impose upon the Respondents, PAUL SAUGET, SAUGET AND COMPANY, and EAGLE MARINE INDUSTRIES, INC., jointly and severally, a monetary penalty of Ten Thousand Dollars (\$10,000) for the violation alleged, plus One Thousand Dollars (\$1000) for each day on which the violation alleged shall have continued.

4. That the Board require the Respondents, PAUL SAUGET, SAUGET AND COMPANY, and EAGLE MARINE INDUSTRIES, INC., to post a performance bond or other security to assure the correction of the violation alleged within the time prescribed.

5. That the Board issue and enter such additional final order, or make such additional final determination, as it shall deem appropriate under the circumstances.

COUNT III

1-10. Complainant realleges and incorporates by reference paragraphs 1-10 of Count I as paragraphs 1-10 of this Count III.

11. Section 12(d) of the Act, Ill. Rev. Stat., 1975, ch. 111 1/2, par. 1012(d), provides:

"No person shall:

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard."

12. Beginning on or about July 1, 1970, and continuing each and every day of operation until the cessation of dumping in late 1974 or early 1975, the Respondents, PAUL SAUCET, SAUCET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., and each of them caused or allowed the placement of refuse in the above-described site so as to create a water pollution hazard, in that:

(a) refuse placed in the above-described site was subject to flooding and removal by the Mississippi River; and

(b) inadequate cover over refuse in the above-described site creates a great hazard that leachate will be generated

and will migrate into the groundwater and into the Mississippi River.

13. The aforesaid conduct by the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., constitute violations of Section 12(d) of the Act.

WHEREFORE, the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY prays:

1. That the Board set a hearing date in this matter to be not less than twenty-one (21) days from the date of service of this Complaint, at which time the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., each be required to answer the allegations herein.

2. That the Board, after due consideration of any statements, testimony, and arguments as shall be duly submitted at the hearing, or upon default in the appearance of the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., enter and issue a final order directing the Respondents and each of them to cease and desist from further violations.

3. That the Board impose upon the Respondents, PAUL SAUGET,

SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PONT FLEETING, INC., jointly and severally, a monetary penalty of Ten Thousand Dollars (\$10,000) for the violation alleged, plus One Thousand Dollars (\$1000) for each day on which the violation alleged shall have continued.

4. That the Board require the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PONT FLEETING, INC., to post a performance bond or other security to assure the correction of the violation alleged within the time prescribed.

5. That the Board issue and enter such additional final order, or make such additional final determination, as it shall deem appropriate under the circumstances.

COUNT IV

1-10. Complainant realleges and incorporates by reference paragraphs 1-10 of Count I as paragraphs 1-10 of this Count IV.

11. Section 9(c) of the Act, Ill. Rev. Stat., 1975, ch. 111 1/2, par. 1009(c), provides in pertinent part:

"No person shall:

(c) Cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act."

12. Beginning on or about September 8, 1976, and continuing each and every day until September 27, 1976, the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., and each of them caused or allowed the open burning of refuse at the above-described site, in violation of Section 9(c) of the Act.

WHEREFORE, the Complainant ILLINOIS ENVIRONMENTAL PROTECTION AGENCY prays:

1. That the Board set a hearing date in this matter to be not less than twenty-one (21) days from the date of service of this Complaint, at which time the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., each be required to answer the allegations herein.

2. That the Board, after due consideration of any statements, testimony, and arguments as shall be duly submitted at the hearing, or upon default in the appearance of the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT

FLEETING, INC., enter and issue a final order directing the Respondents and each of them to cease and desist from further violations.

3. That the Board impose upon the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., jointly and severally, a monetary penalty of Ten Thousand Dollars (\$10,000) for the violation alleged, plus One Thousand Dollars (\$1000) for each day on which the violation alleged shall have continued.

4. That the Board require the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., to post a performance bond or other security to assure the correction of the violation alleged within the time prescribed.

5. That the Board issue and enter such additional final order, or make such additional final determination, as it shall deem appropriate under the circumstances.

COUNT V

1-10. Complainant realleges and incorporates by reference paragraphs 1-10 of Count I as paragraphs 1-10 of this Count V.

11. Section 21 of the Act, Ill. Rev. Stat., 1975, ch. 111 1/2, par. 1021, provides in part:

"No person shall:

(a) Cause or allow the open dumping of garbage;

(b) Cause or allow the open dumping of any other refuse in violation of regulations adopted by the Board;..."

12. Section 49(c) of the Environmental Protection Act, Ill. Rev. Stat., 1975, ch. 111 1/2, par. 1049(c), provides in pertinent part:

"All rules and regulations of the Air Pollution Control Board, the Sanitary Water Board, or the Department of Public Health relating to subjects embraced within this Act shall remain in full force and effect until repealed, amended, or superseded by regulations under this Act."

13. In 1966 the Department of Public Health, Division of Sanitary Engineering, adopted "Rules and Regulations for Refuse Disposal Sites and Facilities" hereinafter "Public Health Regulations" which through Section 49(c) of the Act were in force until July 27, 1973.

14. Rule 5.07(b) of these Public Health Regulations provides:

"Rule 5.07. COVER. Cover material shall be of

such quality as to prevent fly and rodent attraction and breeding, blowing litter, release of odors, fire hazards, and unsightly appearance, and which will permit only minimal percolation of surface water when properly compacted. Cover shall be applied as follows:

* * *

"(b) Final Cover. A compacted layer of at least two (2) feet of material in addition to the daily cover shall be placed over the entire surface of all completed portions of the fill within six (6) months following the final placement of refuse. Final cover shall be graded as provided on the approved plan and to prevent ponding. The surface of the final cover shall be maintained at the plan elevation at all times, by the placement of additional cover material where necessary."

15. On each and every day from October 26, 1973 to the present, Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., have not placed a compacted layer of at least two (2) feet of material over the entire surface of all completed portions of the fill, in violation of Rule 5.07(b) of the Public Health Regulations and hence in violation of Section 21(b) of the Act.

WHEREFORE, the Complainant ILLINOIS ENVIRONMENTAL PROTECTION AGENCY prays:

1. That the Board set a hearing date in this matter to be

not less than Twenty-one (21) days from the date of service of this Complaint, at which time the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., be required to answer the allegations herein.

2. That the Board after due consideration of any statements, testimony, and arguments as shall be duly submitted at the hearing, or upon default in the appearance of the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., enter and issue a final order directing the Respondents and each of them to cease and desist from further violations.

3. That the Board impose upon the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., jointly and severally, a monetary penalty of Ten Thousand Dollars (\$10,000) for the violation alleged, plus One Thousand Dollars (\$1000) for each day on which the violation alleged shall have continued.

4. That the Board require the Respondents, PAUL SAUGET, SAUGET AND COMPANY, EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., to post a performance bond or other security to assure the correction of the violation alleged within the time prescribed.

5. That the Board issue and enter such additional final order, or make such additional final determination, as it shall deem appropriate under the circumstances.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BY: WILLIAM J. SCOTT
ATTORNEY GENERAL

BY: Russell R. Eggert
Assistant Attorney General
Environmental Control Division
Southern Region

OF COUNSEL:

Ann L. Carr
Assistant Attorney General
Environmental Control Division
Southern Region
500 South Second Street
Springfield, Illinois 62706
(217) 782-1090

DATED: August 4, 1977

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of August, 1977, send by certified mail, with postage thereon fully prepaid, a true and correct copy of the foregoing instruments entitled NOTICE and AMENDED COMPLAINT

TO: Harold G. Baker, Jr.
Attorney at Law
56 South 65th Street
Belleville, Illinois 62223

Eagle Marine Industries, Inc.
% C. T. Corporation Systems,
Registered Agent
208 S. LaSalle Street
Chicago, Illinois 60604

River Port Fleeting, Inc.
% C. T. Corporation Systems
208 S. LaSalle Street
Chicago, Illinois 60604

Melroy B. Hutnick
Hearing Officer
9425 West Main Street
Belleville, Illinois 62223

and the original and nine true and correct copies of the same foregoing instruments

TO: Pollution Control Board
309 W. Washington Street
Chicago, Illinois 60606

In addition to the foregoing, a copy of the said Notice and Amended Complaint has been sent to Mr. Clyde L. Kuehn, State's Attorney of St. Clair County, St. Clair County Courthouse, Belleville, Illinois 62220.

Ann L. Carr
Assistant Attorney General

STATE OF ILLINOIS)
) SS.
 COUNTY OF ST. CLAIR)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 77-84
)	
PAUL SAUGET, individually, SAUGET AND)	
COMPANY, a Delaware corporation, EAGLE)	
MARINE INDUSTRIES, INC., a Missouri)	
corporation, and RIVER PORT FLEETING)	
INC., a Missouri corporation,)	
)	
Respondents.)	

STIPULATION

NOW COME Respondents, EAGLE MARINE INDUSTRIES, INC., a Missouri corporation, and RIVER PORT FLEETING, INC., a Missouri corporation, by counsel Frank L. Pellegrini, and in consideration of the dismissal of the action in PCB 77-84 against both Respondent EAGLE MARINE INDUSTRIES, INC., and Respondent RIVER PORT FLEETING, INC., without prejudice do stipulate as follows:

1. Respondents EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., presently own Parcel No. 5 and Parcel No. 4, respectively, (hereinafter "said property") as marked on the

attached Exhibit A.

2. Respondents EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., operate a coal loading facility on said property.

3. Said property is land upon which PAUL SAUGET and/or SAUGET AND COMPANY are charged with having operated a refuse disposal site in Environmental Protection Agency v. Paul Sauget, et al, PCB 77-84, now pending before the Pollution Control Board.

4. If Complainant ENVIRONMENTAL PROTECTION AGENCY's action in PCB 77-84 is successful, Respondents PAUL SAUGET and SAUGET AND COMPANY will be ordered by the Pollution Control Board, inter alia, to place final cover (as defined in and required by the Pollution Control Board's Rules and Regulations, Chapter 7) over the entire refuse disposal site on said property.

5. Both Respondents will freely provide access to said property to

- a. Paul Sauget and agents or employees of Paul Sauget or Sauget and Company or persons otherwise directed or retained by Paul Sauget or Sauget and Company to provide final cover;

- b. Employees or agents of the Environmental Protection Agency;
- c. Any other person retained or directed by the State to provide final cover.

6. Neither Respondent will in any way obstruct or impede the efforts of any of the persons listed in paragraph 5 above to provide final cover.

7. Both Respondents shall allow the persons listed in paragraph 5 above to bulldoze, grade, clear or otherwise change the nature of said property to the extent and in any way necessary to apply final cover.

8. Both Respondents shall work with the persons listed in paragraph 5 above to move whatever coal or other equipment they have on the site so as to allow placement of final cover over all portions of the refuse disposal site.

Respectfully submitted,

RIVER PORT FLEETING, INC. and
EAGLE MARINE INDUSTRIES, INC.

BY: 

Frank Pellegrini
Counsel for River Port Fleeting, Inc.
and Counsel for Eagle Marine Industries, Inc.

DATED: 2-21-78

DATED:

2/21/78

BY:

Fred H. Leyhe, President of
Eagle Marine Industries, Inc. and
River Port Fleeting, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of February, 1978, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Postal Service Box, in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled MOTION TO DISMISS WITHOUT PREJUDICE and STIPULATION

TO: Frank Pellegrini
Attorney at Law
706 Chestnut Street
Suite 1025
St. Louis, Missouri 63101

Harold G. Baker, Jr.
Attorney at Law
56 South 65th Street
Belleville, Illinois 62223

Melroy B. Hutnick
Hearing Officer
9425 West Main Street
Belleville, Illinois 62223

Pollution Control Board
309 West Washington
Chicago, Illinois 60606



Assistant Attorney General

STATE OF ILLINOIS)
) SS.
 COUNTY OF ST. CLAIR)

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-84
)
 PAUL SAUGET, individually, SAUGET AND)
 COMPANY, a Delaware corporation, EAGLE)
 MARINE INDUSTRIES, INC., a Missouri)
 corporation, and RIVER PORT FLEETING)
 INC., a Missouri corporation,)
)
 Respondents.)

MOTION TO DISMISS
WITHOUT PREJUDICE

NOW COMES Complainant, ENVIRONMENTAL PROTECTION AGENCY,
 by its attorney WILLIAM J. SCOTT, Attorney General of the State
 of Illinois, pursuant to Section 52(1) of the Civil Practice Act
 and moves this Board to dismiss without prejudice, as to Respon-
 dents, EAGLE MARINE INDUSTRIES, INC. and RIVER PORT FLEETING, INC.
 only, the Complaint in this matter. In support hereof, Complain-
 ant states as follows:

1. The facts, as known to Complainant at the time of
 the filing of the Amended Complaint in this cause, warranted

the inclusion of the aforesaid Respondents in this cause.

2. The aforesaid Respondents are the present landowners of the closed refuse disposal site involved in this action.

3. The complaint in this action was amended to add the aforesaid Respondents in order to assure that the alleged former operator of the site, PAUL SAUGET, would have access to the site to place final cover on the site.

4. The aforesaid Respondents have signed the attached stipulation. In this stipulation they agree to freely allow access to the site by the remaining Respondents and state that they will not obstruct efforts of the remaining Respondents to place final cover on the site.

5. Complainant believes that no further relief is necessary or warranted against either of the aforesaid Respondents at this time.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM J. SCOTT
ATTORNEY GENERAL

BY: 

Ann L. Carr
Assistant Attorney General
Environmental Control Division
Southern Region

500 South Second Street
Springfield, Illinois 62706
(217) 782-9033

DATED: February 24, 1978

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)


A F F I D A V I T

I, ANN L. CARR, do affirm and state as follows:

1. I am an Assistant Attorney General for the State
of Illinois assigned to the cause.

2. That I have prepared and read the foregoing Motion
and that the allegations contained therein are true and correct.

Further Affiant sayeth not.



Ann L. Carr
Affiant

SUBSCRIBED AND SWORN to before me
this 24th day of February, 1978.



Notary Public

My commission expires: August 1980



JACOB D. DUMELLE, CHAIRMAN
OAK PARK, ILLINOIS

IRVIN G. GOODMAN
MEDINAH, ILLINOIS

DONALD P. SATCHELL
CARBONDALE, ILLINOIS

STATE OF ILLINOIS
POLLUTION CONTROL BOARD
309 WEST WASHINGTON STREET SUITE 300
CHICAGO, ILLINOIS 60606
TELEPHONE
312-793-3620

NELS E. WIENER
CHICAGO, ILLINOIS

JAMES L. YOUNG
SPRINGFIELD, ILLINOIS


March 21, 1978

Mr. Frank Pellegrini
Attorney at Law
706 Chestnut Street
Suite 1025
St. Louis, Missouri 63101

RE: PCB77-84, EPA v. PAUL SAUGET ET AL

Enclosed is the ORDER of the Board adopted on March 16, 1978
for the above captioned matter.

Very truly yours,


Christian L. Moffett
Clerk of the Board

Enc.

cc: Hon. William Scott, Environmental Control Division
Illinois Environmental Protection Agency

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1978

ENVIRONMENTAL PROTECTION AGENCY,

Complainant,

v.

PAUL SAUGET, individually, SAUGET AND
COMPANY, a Delaware corporation, EAGLE
MARINE INDUSTRIES, INC., a Missouri
corporation, and RIVER PORT FLEETING
INC., a Missouri corporation,

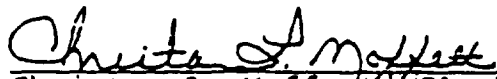
Respondents.

PCB 77-84

ORDER OF THE BOARD (by Mr. Dumelle):

On February 27, 1978 the Agency moved the Board to dismiss its Complaint Without Prejudice as to Respondents Eagle Marine Industries, Inc. and River Port Fleeting, Inc. only. The motion is hereby granted.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 16th day of March, 1978 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
210 NORTH 12TH STREET
ST. LOUIS, MISSOURI 63101

IN REPLY REFER TO

LMSOD-F
(Miss. Riv.) P-1323

21 February 1979

Mr. Richard Burke, Vice President
Riverport Terminal & Fleeting Company
112 North Fourth Street
St. Louis, Missouri 63102


Dear Mr. Burke:

This will acknowledge your application for a Department of the Army permit to make repairs and improvements on and along the left bank of the Mississippi River, approximate mile 177.0 to 177.5, Upper Mississippi River.

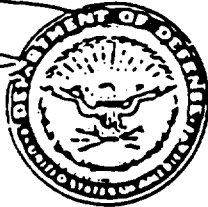
The proposed work was described in the attached Public Notice circulated by this office on 16 February 1979. Interested parties have been invited to submit any comments they may have on or before 19 March 1979. Reviewer's needs will be carefully evaluated before an extension is granted.

If you have any questions concerning processing of your application, please contact this office.

Sincerely yours,


JAMES A. PETERSEN
Chief, Operations Division

1 Incl
As stated



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
210 NORTH 12TH STREET
ST. LOUIS, MISSOURI 63101

LMSOD-P
(Miss. Riv.) P-1323

16 February 1979

NOTICE OF APPLICATION FOR PERMIT

1. Riverport Terminal & Fleeting Company, 112 North Fourth Street, Suite 1754, St. Louis, Missouri 63102, has applied for a Department of the Army permit to make repairs and improvements on and along the left bank of the Mississippi River at Sauget, Illinois, approximate mile 177.0 to 177.5, Upper Mississippi River. Applicant's proposal is being processed under provisions of Section 10, 1899 River and Harbor Act and Section 404, Public Law 92-500. Applicant has applied to the Illinois Department of Transportation for a State permit.
2. Applicant's proposed work consists of placing riprap, consisting of broken concrete, brick and dirt, on and along the left bank, beginning at mile 177.5 and extending downstream approximately 2,600 lineal feet. Material will be used to control bank erosion and secure applicant's commercial dock facilities. Floatable material such as wood will not be used as fill. A copy of applicant's plan is attached.
3. The District Engineer has made a preliminary determination that no significant adverse effect on the human environment is expected to result from the proposed work. Accordingly, this District does not plan to file an Environmental Impact Statement describing the work proposed in the pending permit. Applicant has applied to the Illinois Environmental Protection Agency for certification under Section 401 of Public Law 92-500.
4. Our assessment of applicant's proposal included a review of the latest published version of the National Register of Historic Places, and found no registered properties, nor properties eligible for inclusion therein, that would be affected by applicant's activity. Review of the National Register of Historic Places constitutes the extent of cultural investigations by the District Engineer and he is otherwise unaware of the presence of such resources.
5. Any interested parties, particularly navigation interests, Federal and State agencies for the protection of fish and wildlife and the officials of any State, town or local association whose interest may be affected by this work are invited to submit to this office written facts, arguments, or objections on or before 19 March 1979. The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be

chuck

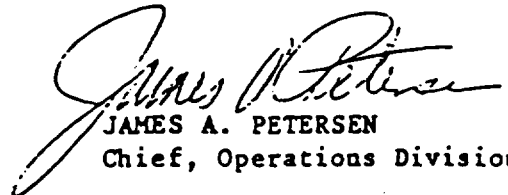
16 February 1979

balanced against its reasonable foreseeable detriments. Evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Federal Water Pollution Control Act. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

6. Any person may request that a public hearing be held to consider applicant's proposal, provided such request identifies significant issues that would warrant additional public review and comment. The request must be submitted in writing to the District Engineer within 30 days of the date of this notice, and must state with particularity the reasons a hearing is necessary to evaluate this application.

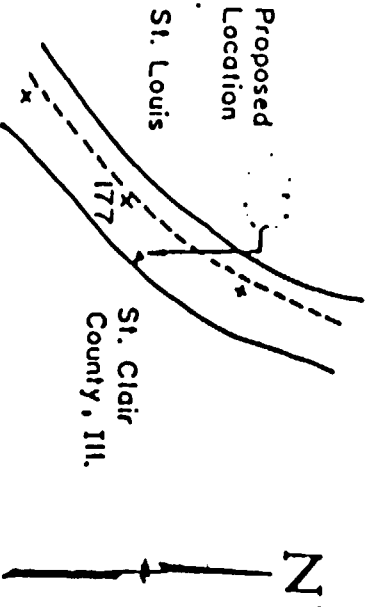
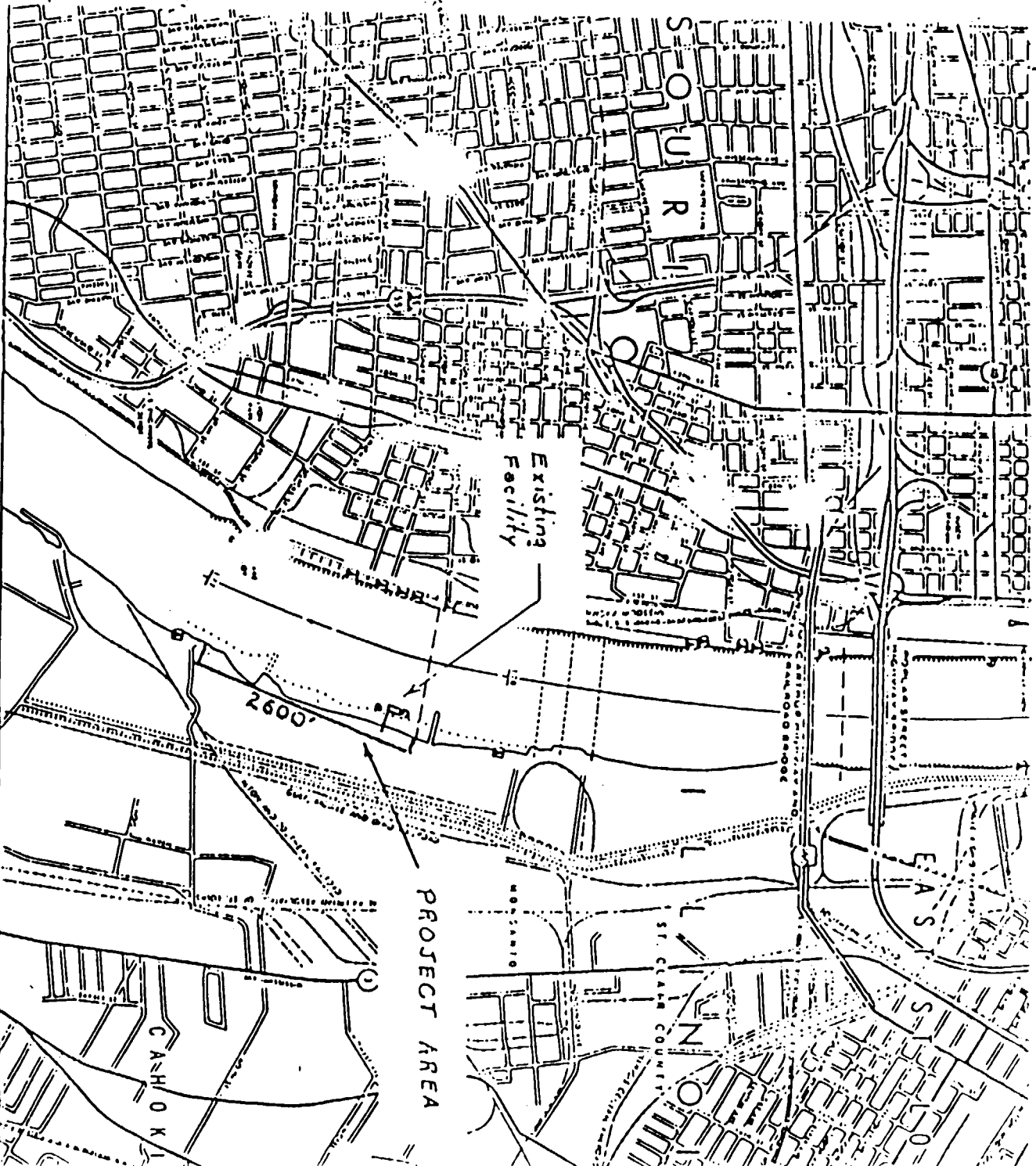
FOR THE DISTRICT ENGINEER:

1 Incl
Plan


JAMES A. PETERSEN
Chief, Operations Division

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continuously posted for 30 days from the date of issuance of this notice.



VICINITY MAP

07V OXL 1 001323

PROPOSED BANK STABILIZATION.
IN MISSISSIPPI RIVER
NEAR SAUGET, ILLINOIS
COUNTY OF ST. CLAIR
STATE OF ILLINOIS
APPLICATION BY RIVERPORT TERMINAL
+ FLEETING CO.

SHEET 1 OF 1 DATE 14 OCT 1978

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

ST. LOUIS DISTRICT, CORPS OF ENGINEERS
210 TUCKER BLVD., NORTH
ST. LOUIS, MISSOURI 63101-1986

September 22, 1987

Operations Division

Riverport Terminal and Fleeting Company
112 North Fourth Street, Suite 1754
St. Louis, Missouri 63102

Gentlemen:

In accordance with your written request of August 28, 1987 the authorization granted by the Secretary of the Army in Permit No. P-1323 dated August 21, 1980 from the District Engineer, U.S. Army Engineer District, St. Louis, to be completed on or before December 31, 1983, is hereby revived and specifically extended to December 31, 1990. This permit authorizes repairs and improvements on and along the left bank of the Mississippi River at Sauget, Illinois, approximate mile 177.0 to 177.5, Upper Mississippi River.

All terms and conditions of Permit No. P-1323, excepting the time limit for completion, remain in full force and effect. If the work authorized is not completed on or before the date herein specified, the authorization, if not previously revoked or specifically further extended, shall cease and become null and void.

If any material changes in the scope, location and plans of the work are found necessary, due to unforeseen conditions or otherwise, revised plans detailing proposed modifications in the work must be submitted to the District Engineer for review and approval. Proposed modifications may not be placed under construction until Department of the Army "Approval of Revised Plans" has been granted.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Daniel M. Wilson
Daniel M. Wilson
Colonel, Corps of Engineers
District Engineer

Riverport Terminal And Fleeting Company

SUITE 1725 • 200 NORTH BROADWAY • ST. LOUIS, MISSOURI 63102-276 • (314) 421-1571

August 28, 1987

Mr. Ron Messerli
Regulatory Functions
Department of the Army
St. Louis District
Corps of Engineers
210 North Tucker Boulevard
St. Louis, Missouri 63101

Re: Riverport Terminal and Fleeting Company, Permit #P1323

Dear Mr. Messerli:

Please be advised that our company inadvertantly failed to renew the above referenced permit which expired on December 31, 1986. Since the project is not complete as of this date, we hereby request a further extension of Permit #P1323 for an additional three year period.

Thank you for your consideration.

Very truly yours,

Richard D. Burke
Executive Vice President

RDB:pal



DEPARTMENT OF THE ARMY

ST. LOUIS DISTRICT, CORPS OF ENGINEERS
210 TUCKER BOULEVARD, NORTH
ST. LOUIS, MISSOURI 63101

November 2, 1983

Operations Division

Riverport Terminal and Fleeting Company
112 North Fourth Street, Suite 1754
St. Louis, Missouri 63102

Gentlemen:

In accordance with your written request of October 14, 1983 by Mr. Richard D. Burke, vice president, the authorization granted by the Secretary of the Army in Permit No. P-1323 dated August 21, 1980 from the District Engineer, U. S. Army Engineer District, St. Louis, to make repairs and improvements on and along the left bank of the Mississippi River at Sauget, Illinois, approximate mile 177.0 to 177.5, Upper Mississippi River, to be completed on or before December 31, 1983 is hereby specifically extended to December 31, 1986.

All terms and conditions of Permit No. P-1323, excepting the time limit for completion, remain in full force and effect. If the work authorized is not completed on or before the date herein specified, the authorization, if not previously revoked or specifically further extended, shall cease and become null and void.

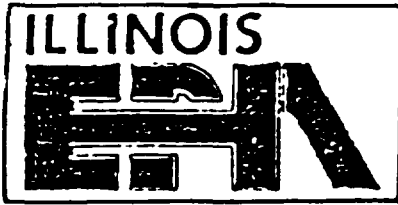
If any material changes in the scope, location and plans of the work are found necessary, due to unforeseen conditions or otherwise, revised plans detailing proposed modifications in the work must be submitted to the District Engineer for review and approval. Proposed modifications may not be placed under construction until Department of the Army "Approval of Revised Plans" has been granted.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

James A. Peterson
Gary D. Beech
Colonel, Corps of Engineers
District Engineer

*for file retention
8/6 - project and
complete - need 3 YRS*
Copy Furnished:

Mr. Bruce Yurdin
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Springfield, Illinois 62706



Environmental Protection Agency

2200 Churchill Road, Springfield, Illinois 62706

217/782-0610

Riverport Terminal and Fleeting Company (St. Clair County)
Riprap 2600 Lineal Feet -- Mississippi River
Log #C-96-79

May 26, 1980

Department of the Army
Louisville District
Corps of Engineers
Post Office Box 59
Louisville, Kentucky 40201

Gentlemen:

This Agency received the attached on February 26, 1979 from Riverport Terminal and Fleeting Company requesting the necessary comments on environmental considerations for placing riprap on and along the left bank of the Mississippi River at Sauget, Illinois beginning at river mile 177.5 and extending downstream approximately 2,600 lineal feet.

This Agency requested supplemental information from the applicant on April 10, 1980 in order to complete our review of the subject project. We received the applicant's comments and supplemental information on May 16, 1980. We offer the following comments.

Because the applicant proposes to use material from demolition projects in the St. Louis area as riprap, special precautions must be taken to ensure only clean material will be used and to prevent the use of wood, plaster, steel and other miscellaneous refuse. We suggest that the project work proceed systematically beginning upstream forming a continuous erosion barrier until the downstream end of the project site is reached. The riprap placement should be completed in a timely manner to reduce the potential transport of fly ash to the river and to provide the intended erosion control.

These comments are directed at the effect on water quality of the construction procedures involved in the above described project and is not an approval of any discharge resulting from the completed facility, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant towards this Agency.

Based on the information included in Public Notice (P-1323) and comments received from the applicant, it is our engineering judgment that the proposed project may be completed without causing water pollution as defined in the Illinois Environmental Protection Act, provided the project is carefully planned and supervised.

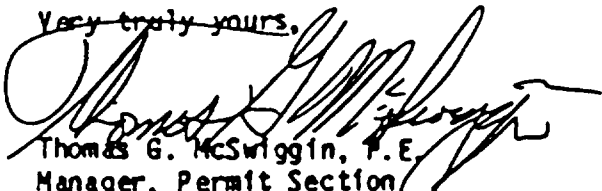
This Agency hereby waives the requirement of certification under Section 401 of the Federal Water Pollution Control Act (PL 92-500), subject to the applicant's compliance with the following conditions:

1. The applicant shall not cause:
 - a. violation of applicable water quality standards of the Illinois Pollution Control Board, Chapter 3, Water Pollution Regulations;
 - b. water pollution as defined and prohibited by the Illinois Environmental Protection Act; and
 - c. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant shall institute, as appropriate, those construction procedures set forth in EPA #430/9-73-007 entitled, Processes, Procedures and Methods to Control Pollution Resulting from all Construction Activities, dated October, 1973, and any other procedures necessary to prevent water pollution in the stream due to the activity during the project construction period.
3. Any spoil material excavated, dredged or otherwise produced must not be returned to the river or stream but must be deposited in a self-contained area with no discharge to the waters of the State unless a permit has been issued by this Agency.
4. Backfilling must be done with large clean material to prevent violation of stream water quality standards and be placed in a manner to provide reasonable assurance that the material will not be moved by currents or otherwise.
5. This waiver becomes effective when the Department of the Army, Corps of Engineers, includes the above conditions #1 through 4 as conditions of the requested permit issued pursuant to Section 404 of PL 92-500.

Page 3

This waiver of certification does not grant immunity from any enforcement action found necessary by this Agency to meet its responsibilities in prevention, abatement, and control of water pollution.

~~Very truly yours,~~



Thomas G. McSwiggin, P.E.
Manager, Permit Section
Division of Water Pollution Control

TGM:GC:sh/20848/18-20

Attachment

cc: IEPA, DWPC, Records Unit
IEPA, DWPC, Field Operations Section, Region VI
IDOT, Division of Water Resources, Springfield
USEPA, Region V
Riverport Terminal and Fleeting Company



605 WM. G. STRATTON BUILDING • 400 SOUTH SPRING STREET • SPRINGFIELD 62706
 CHICAGO OFFICE - ROOM 100, 160 NO. LASALLE 60601
 David Kenney, Director • James C. Helfrich, Assistant Director

March 28, 1979

Mr. James A. Petersen
 Chief, Operations Division
 Department of the Army
 210 North 12th Street
 St. Louis, MO 63101

RE: LMSOD-F (Miss. Riv.) P-1323

Dear Mr. Petersen:

We have completed our review of the application by Riverport Terminal and Fleeting Company for a permit authorizing repairs and improvements on and along the left bank of the Mississippi River in St. Clair County, approximate mile 177 to 177.5.

We would not object to the issuance of this permit provided the following items are included in the construction plans:

1. Riprap materials should be limited to concrete and brick only. No dirt or other suspendable fill should be used.
2. Broken concrete used for fill should not contain reinforcement rods since these could become a safety hazard for boats.

Sincerely,

Robert W. Schanzle
 Resources Planner
 Division of Planning and Design

RWS:th 02-29(79)
 cc: Riverport Terminal and Fleeting Co. ✓
 Stan Stowers, EPA

THE PILLSBURY COMPANY

EXECUTIVE OFFICES
608 SECOND AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55402

JOHN M. ALLEN
BETSY J. CARTER
MICHAEL D. ELLWEIN
FRANKLIN C. JESSE, JR.
ROBERT J. LEWIS
DAVID R. LINSTRAND
RONALD E. LUND
MART MATTHEWS
DWIGHT M. OOLESBY
THOMAS R. REMICK
MAHLON C. SCHNEIDER
EDWARD C. STRINGER
RICHARD J. WEGENER

LAW DEPARTMENT
612/330-8229

TELEX 976-3100

June 30, 1980

Riverport Terminal & Fleeting Company
112 North Fourth Street
Suite 1754
St. Louis, Missouri 63102

Monsanto Company
800 North Lindbergh Boulevard
St. Louis, Missouri 63166

Gentlemen:

The Pillsbury Company is the lessee of approximately 84 acres of land along the Mississippi River at Sauget, Illinois, under a lease agreement with Riverport Terminal & Fleeting Company dated July 31, 1979. This property was leased by Pillsbury for the purpose of utilizing it as a bulk materials handling and storage facility including the loading and unloading of bulk materials to and from rail cars, trucks and barges. In connection with such use, it is necessary to install a certain amount of rail trackage for placing rail cars at the site.

During the week of May 26, 1980, while a contractor employed by Pillsbury was in the process of grading a strip of land for the purpose of laying railroad track adjacent to property owned by Monsanto at the north end of the site, the bulldozer came in contact with and ruptured a barrel containing a chemical substance. The Monsanto Company was notified and sent representatives to the site who advised the bulldozer operator to shower and change clothes. Monsanto made an investigation of the area and, in a memo dated May 30, 1980, Mr. C.F. Buckley of that company stated that there "is a significant amount of chemical waste mixed in with other trash and debris. Some of the materials are either corrosive or toxic or both. Some are capable of causing systemic poisoning by skin absorption."

Riverport Terminal & Fleeting Company

Monsanto Company

Page 2

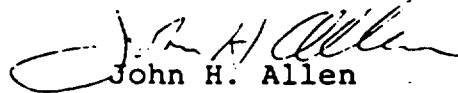
June 30, 1980

In view of the foregoing, all work on the track construction has been stopped and no action has been taken to remove coke piled under adjacent electric transmission wires under an obligation by Pillsbury to Union Electric Company. It seems clear that Pillsbury is being deprived of the use of a portion of its leasehold contrary to its lease agreement and that the presence of hazardous chemical waste deposited by Monsanto has caused such deprivation.

The purpose of this letter, therefore, is to demand that action be taken by the addressees to correct the situation and cause the property to be safe for its intended use by Pillsbury. Otherwise, it may be necessary to involve federal or state environmental agencies in order to get the matter resolved.

We would appreciate your early reply.

Very truly yours,


John H. Allen

JHA/J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FROM
(NAME-LOCATION-PHONE) C.F. Buckley / WGK

DATE : May 30, 1980 cc: M. Dimmitt - The Pillsbury Co.

SUBJECT : EXCAVATION WORK ON PILLSBURY
RAILWAY - SPUR EASEMENT

REFERENCE :

TO : D.T. Mayer

The area concerned was once used as a landfill for municipal solid waste. Although chemical waste was not intentionally deposited in that site, it is evident that there is a significant amount of chemical waste mixed in with other trash and debris. Some of the materials are either corrosive or toxic or both. Some are capable of causing systemic poisoning by skin absorption. The hazards to personnel are:

1. Material uncovered by bulldozing may be splashed, sprayed or projected around by the crushing effect of the bulldozer, especially if contained in a drum or other container which could be burst when crushed.
2. Personnel walking over freshly excavated areas may inadvertently step into exposed material. This is especially dangerous even if no burning sensation is noticed. Some materials can saturate and permeate through leather footwear to create the condition needed for rapid skin absorption.
3. Personnel observed some haze or smoke arising from uncovered material. Thus, the possibility exists that material is present which will react with air and ignite.

My recommendations are:

1. Keep a sharp look-out when bulldozing for drums or pockets of material which could cause material to be splashed or projected around by the force of the bulldozer.
2. If smoke is observed coming from uncovered material, cover it up again as quickly as possible with dry earth or cinders.
3. Personnel working in the area should wear protective clothing and follow good personal hygiene practices as follow:
 - a. Wear coveralls or washable clothing to keep the amount of exposed skin to a minimum, i.e. long sleeves and neck buttoned.
 - b. Protect eyes with goggles (minimum glasses and side shields).
 - c. Wear rubber boots (minimum overshoes).

4. Do not handle any suspect material with bare hands. Rubber gloves provide the best protection. Do not continue to wear cloth or leather gloves or shoes which become contaminated with suspect material. Anything other than fresh clay or cinders should be considered suspect.
5. In the event that anyone is sprayed with material, he should shower and change clothes immediately. A sample of the material should be obtained if possible. (Alternately the location of the material should be noted so that it can be sampled). Expert advice should be sought so that the need for further decontamination or treatment can be determined.
6. If strong or irritant odors are encountered, expert advice should also be sought to determine the need for respiratory protection.

C.F. Buckley

CW

Mississippi River

Highway

Office

1st

Monsanto Co.

Fence

Gonding Spur

XXX

Rail Road Spur

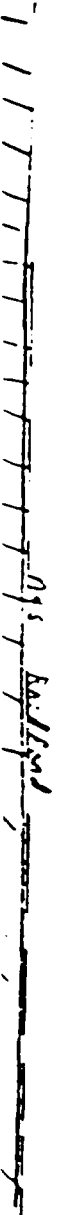
U.E. Easement



Cinder Road

Cinder Road

Chemical Material



BAKER & SCRIVNER
ATTORNEYS-AT-LAW

July 11, 1980

Mr. Dick Burke
Eagle Marine Industries, Inc.
Suite 1754
112 North Fourth Street
St. Louis, Missouri 63102

Dear Mr. Burke:

I am advised that The Pillsbury Company has made a claim against someone as the result of finding a buried barrel during excavation on the premises it leases from you which you acquired from the Cahokia Trust several years ago and which are located in the Village of Sauget, St. Clair County, Illinois.

As you know, I have, for 10 years last past, represented Sauget & Co., a Delaware corporation. For at least 20 years prior to the time you acquired the property, it operated thereon a sanitary land fill.

It did not knowingly accept barrels containing any toxic, flammable or other hazardous material and it took reasonable steps to prevent any such barrels from being deposited without its knowledge.

Very truly yours,


HAROLD G. BAKER, JR.

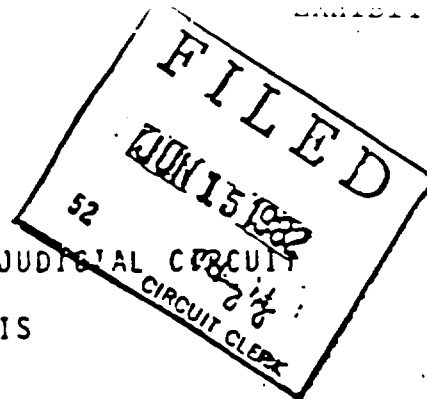
HGBjr/mcm

cc: Hon. Paul Sauget

STATE OF ILLINOIS }
COUNTY OF ST. CLAIR)

SS

July



IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

MONSANTO COMPANY, a Delaware
corporation,

Defendant.

NO.

82CH195

COMPLAINT FOR INJUNCTION AND OTHER RELIEF

NOW COMES Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS,
by Tyrone C. Fahner, Attorney General for the State of Illinois,
and complaining of Defendant, MONSANTO COMPANY, a Delaware
corporation, alleges as follows:

STATEMENT OF THE CASE

1. Defendant, MONSANTO COMPANY (hereinafter "MONSANTO"),
is, and at all times pertinent to this Complaint has been, a
corporation organized under the laws of the State of Delaware,
qualified to do business and doing business in the State of
Illinois.

2. At all times pertinent to this Complaint MONSANTO has owned certain property in Sauget, St. Clair County, Illinois, described as:

/a/ tract of land composed of portions of the accretions to the Third Subdivision of the Cahokia Commons in United States Survey No. 739, St. Clair County, Illinois, and described as beginning at the point of intersection of the southwestern line of Riverview Avenue (vacated), 70 feet wide, as established by Ordinance No. 122 of the Village of Monsanto, Illinois (now Sauget, Illinois) and vacated by Ordinance No. 436, with the northwestern line of the 230 K.V. Transmission Line Easement for Union Electric Power Company recorded in Book 1284, page 28 of the St. Clair County Recorder of Deeds Office; thence running in a generally southwestwardly direction two bearings and distances for a total distance of 2011.08 feet along the northwestern line of said Union Electric Power Company Easement to a point marked by a 2" diameter pipe; thence northwestwardly on a line parallel with the southwestern line of Riverview Avenue (vacated) a distance of 430 feet to a point from which a 2" diameter pipe bears northwest 3 feet; thence northeastwardly 2015 feet to a point of intersection with the southwestern line of Riverview Avenue (vacated), that point being 455 feet northwestwardly from the point of beginning; thence 455 feet to the point of beginning.

3. Said property was utilized by MONSANTO from approximately 1957 to 1974 as a disposal site (hereinafter sometimes referred to as the "disposal site") for liquid and solid chemical wastes, generated by MONSANTO, including several types of toxic organics and heavy metals. The wastes were deposited in one or a series of unlined lagoons or pits on said property. Soil characteristics in the disposal areas

range from moderately to highly permeable. The disposal site sits atop a heavily-utilized groundwater aquifer. The disposal site also is within 500 feet of the Mississippi River, and lies in the river's flood plain outside of a flood control levee. The disposal site was closed and covered in approximately 1978. The disposal site does not provide for the permanent containment of the hazardous wastes disposed thereat.

4. During the period that MONSANTO used the above-described property as a disposal site for its wastes, as much as 35,470 cubic yards per year of industrial wastes were deposited on the property.

5. Said wastes included, but are not limited to:

1. Wastes resulting from the distillation of:

- a. Phenol
- b. Chlorophenol
- c. Nitro-Aniline and similar compounds
- d. Chlorobenzol
- e. Chloro aniline
- f. Other aniline derivatives
- g. Nitro benzene derivatives
- h. Aromatic carboxylic acids (Maleic, Phthalic)
- i. Chlorophenol Ether

2. By-Products -

- a. Mixed isomers of nitrochlorobenzene

2. By-Products (cont'd.) -

- a. Mixed isomers of Dichlorophenol
- b. Waste Maleic Anhydride
- c. Waste Chlorobenzenes and Nitro-chlorobenzenes

3. Contaminated Water and Acids -

- a. Water with varying amounts of phenols (0-15%)
- b. Waste Sulfuric acid with chlorophenol present
- c. Caustic Soda Solution with chlorophenol present

4. Waste Solvents -

- a. Waste Methanol contaminated with Mercaptans
- b. Waste Isopropanol -- Water and chlorinated hydrocarbon
- c. Research Waste: Miscellaneous Solvents and Materials
- d. Oily Materials from Oil Additive Production

5. Filter Sludge -

- a. Attapulugus Earth - Keisulguhr from Alkyl Benzene filtration
- b. Lime Mud from nitro-aniline production

6. Unwanted Samples and Waste resulting from taking samples -

- a. Chlorophenols
- b. Laboratory Samples

6. Some or all of the above-listed wastes including,
but not limited to:

chlorobenzene
chlorophenol
biphenylamine
trichlorophenol

dichlorobenzene
dichlorophenol
chloronitrobenzene

are still present in Defendant Monsanto's property.

7. All of the above-listed wastes are contaminants,
and some are highly toxic to human health or animal life, and/or
are known or suspected carcinogens or mutagens.

8. MONSANTO, at all times pertinent hereto, has also
owned property located west of, and immediately adjacent to
the Disposal site. Said additional property extends in a
generally westward direction from the western boundary of
the disposal site, at both the northernmost and southernmost
boundaries, continuously until said property reaches the
Mississippi River and its boundary line is formed by the
Eastern Outer Harbor Line of the Mississippi River as
established by the Secretary of War in 1903.

9. On September 30, 1981, October 2, 1981 and November
12, 1981, liquid substances were observed seeping out of the
abovedescribed property of Defendant MONSANTO, at the river
bank (hereinafter sometimes referred to as the "riverbank
property"), and flowing into the Mississippi River.

10. The observed liquid seepage contained various
organic chemical compounds and metals including, but not
limited to:

chlorophenol	polychlorinated dibenzo-p-dioxins
chlorobenzene	chloronitrobenzene
biphenylamine	dichlorobenzene
trichlorophenol	chloronitroaniline
toluene	chloronitroaniline
dichloronitrobenzene	phenol
benzene	biphenol
benzenedicarboxylic acid	methylphenol
benzoic acid	methylchlorophenol
methylbenzenesulphamide	hydroxybenzoic acid
nitrophenol	chloroaniline
4-methyl 2-pentanol	dichloroaniline
2-cyclopentanol	aniline
-n-butylphthalate	nitroaniline
polychlorinated biphenyls	2,4-dichlorophenoxyacetic acid
arsenic	mercury
selenium	beryllium
cadmium	chromium
polychlorinated	lead
dibenzo-furans	

All of the chemical substances listed above are contaminants, and some are highly toxic to human health or animal life, and/or are known or suspected carcinogens or mutagens.

11. To date, MONSANTO has taken no action to prevent the seepage of the above-listed contaminants and hazardous substances from the riverbank property into the Mississippi River.

COUNT 1

DEFENDANT HAS CAUSED A PUBLIC NUISANCE

12. This Count is brought by Tyrone C. Fahner, Attorney General for the State of Illinois, pursuant to his common law power and duty to maintain actions for the abatement of public nuisances.

13. Paragraphs 1 and 8 through 11 are realleged.

14. The seepage of the above-described contaminants and

hazardous substances into the Mississippi River creates a nuisance, and renders said waters harmful or detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses of said waters, or to livestock, wild animals, birds, fish or other aquatic life that come into contact with said waters.

15. The seepage of the above-described contaminants and hazardous substances has caused Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy at law, for once said chemical substances entered and continue to enter the waters of the State of Illinois, substantial and irreversible damage has and will continue to occur to the citizens and environment of St. Clair County and the State of Illinois and those citizens in areas downstream of the discharge point.

16. Unless enjoined by this Court, the public nuisance created by the discharge of said contaminants and hazardous substances into the Mississippi River will continue unabated.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Court grant it the following relief:

A. Issue an injunction directing Defendant to take measures to immediately prevent all seepage of contaminants or hazardous substances, including those listed in Paragraph 10 above, from its riverbank property from entering the Mississippi River, and to remove all such substances from said property

together with any soil contaminated by such seepage;

B. Enter an Order requiring Defendant to conduct a study to determine the nature, cause and origin of the seepage as expeditiously as possible;

C. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not limited to, the reasonable and necessary expenses of any expert witness called to testify upon behalf of the Plaintiff; and

D. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT II

DEFENDANT THREATENS TO CAUSE A PUBLIC NUISANCE

17. This Count is brought by Tyrone C. Fahner, Attorney General for the State of Illinois, pursuant to his common law power and duty to maintain actions for the abatement of public nuisances.

18. Paragraphs 1 through 7 are realieged.

19. The proximity of the disposal site to the Mississippi River and the site's location outside of the flood control levee create a distinct threat of contamination of the river during flood conditions.

20. In addition, the permeable nature of the soils

underlying and surrounding the disposal site creates a distinct threat of contamination of the underground waters - and eventually the Mississippi River.

21. Any migration of the contaminants and hazardous substances deposited at the disposal site either into the Mississippi River or into the underground waters will create a nuisance, and render said waters harmful or detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses of said waters, or to livestock, wild animals, birds, fish or other aquatic life that come into contact with said waters.

22. The continued presence of the contaminants and hazardous substances at the disposal site will cause Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy at law, for once said contaminants and hazardous substances enter the waters of the State of Illinois substantial and irreversible damage will occur to the citizens and environment of St. Clair County and the State of Illinois and those citizens in areas downstream of the disposal site.

23. Unless enjoined by this Court, the public nuisance posed by the threatened release of said contaminants and hazardous substances into the Mississippi River and/or the underground waters will continue unabated.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Court grant it the following relief:

A. Issue an injunction directing Defendant to prevent any and all migration of contaminants or hazardous substances from the disposal site from entering the Mississippi River and/or the underground waters and to remove all such substances placed at the site, together with any soil already contaminated;

B. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

C. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT III

DEFENDANT HAS CAUSED WATER POLLUTION

24. This Count is brought by Tyrone C. Fahner, Attorney General of the State of Illinois, pursuant to the terms and provisions of "An Act in Relation to the Prevention and Abatement of Air, Land and Water Pollution," (Ill. Rev. Stat., ch. 14, pars. 11 and 12 (1979)).

25. Paragraphs 1 and 8 through 11 are realleged.

26. The discharge of contaminants and hazardous substances from the riverbank—area as alleged above into the Mississippi River constitutes water pollution within the meaning of Ill. Rev. Stat. 1979, ch. 14, par. 11(b).

27. The seepage of contaminants and hazardous substances from the riverbank property have caused Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy at law, for once said contaminants and hazardous substances have entered and continue to enter the waters of the State of Illinois, substantial and irreversible damage has and will continue to occur to the citizens and environment of St. Clair County and the State of Illinois and those citizens in areas downstream of the disposal site.

28. The violations will continue unabated unless enjoined by this Court.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Honorable Court grant the following relief:

A. Issue an injunction directing Defendant to take measures to immediately prevent all seepage of contaminants or hazardous substances, including those listed in Paragraph 10 above, from its riverbank property from entering the Mississippi River, and to remove all such substances from said property together with any soils contaminated by such seepage;

B. Enter an Order requiring Defendant to conduct a

study to determine the nature, cause and origin of the seepage as expeditiously as possible;

C. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

D. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT IV

DEFENDANT THREATENS TO CAUSE WATER POLLUTION

29. Paragraphs 1 through 7 are realleged.

30. This Count is brought by Tyrone C. Fahner, Attorney General of the State of Illinois, pursuant to the terms and provisions of "An Act in Relation to the Prevention and Abatement of Air, Land and Water Pollution," (Ill. Rev. Stat., ch. 14, pars. 11 and 12 (1979)).

31. The proximity of the disposal site into the Mississippi River and the site's location outside of the flood control levee creates a distinct threat of contamination of the river during flood conditions.

32. In addition, the permeable nature of the soils

underlying and surrounding the disposal site creates a distinct threat of contamination of the underground waters and eventually the Mississippi River.

33. Any migration of the contaminants and hazardous substances deposited at the disposal site either into the Mississippi River or into the underground waters will create a nuisance, and render said waters harmful or detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses of said waters, or to livestock, wild animals, birds, fish or other aquatic life that come into contact with said waters.

34. The threatened migration of the contaminants and hazardous substances from the disposal site into the underground waters and/or into the Mississippi River constitutes a threat of water pollution within the meaning of Ill. Rev. Stat. 1979, ch. 14, par. 11(b).

35. The continued presence of the contaminants and hazardous substances at the disposal site will cause Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy at law, for once said contaminants and hazardous substances enter the waters of the State of Illinois substantial and irreversible damage will occur to the citizens and environment of St.

Clair County and the State of Illinois and those citizens in areas downstream of the disposal site.

36. Unless enjoined by this Court, the threat of water pollution posed by the threatened release of said contaminants and hazardous substances into the Mississippi River and/or the underground waters will continue unabated.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Honorable Court grant the following relief:

A. Issue an injunction directing Defendant to prevent any and all migration of contaminants or hazardous substances from the disposal site from entering the Mississippi River and/or the underground waters and to remove all such substances placed at the site, together with any soil already contaminated;

B. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

C. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT V

DEFENDANT HAS VIOLATED STATE WATER POLLUTION STATUTES

37. This Count is brought pursuant to the statutory

authority of the Attorney General under Section 42 of the Environmental Protection Act (hereinafter the "Act"), Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1042 to seek injunctive relief for violations of the Act.

38. Paragraphs 1 and 8 through 11 are realleged.

39. Section 12(a) of the Act, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1012(a) provides:

"No person shall:

Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act."

40. Section 3 of the Act, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1003 defines "water pollution" as:

"... such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life."

41. Section 3 of the Act, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1003 defines "contaminant" as:

"... any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source."

42. By failing to prevent the seepage of the chemical substances listed above into the Mississippi River from its riverbank property, MONSANTO has violated Section 12(a) of the Act by allowing the discharge of contaminants into the Mississippi River, tending to alter the chemical and biological properties of the river and thus has rendered, will render, or is likely to render, the river harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

43. The violations will continue unabated unless enjoined by this Court.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Honorable Court grant the following relief:

A. Issue an injunction directing Defendant to take measures to immediately prevent all seepage of contaminants and hazardous substances, including those listed in paragraph 10 above, from its riverbank property from entering the Mississippi River, and to remove all such substances from said property together with any soil contaminated by such seepage;

B. Enter an Order requiring Defendant to conduct a study to determine the nature, cause and origin of the seepage as expeditiously as possible;

C. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

D. Impose a civil penalty against Defendant in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for each violation and an amount not to exceed One Thousand Dollars (\$1,000.00) for each day said violations are found to have continued;

E. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT VI

DEFENDANT HAS CREATED A WATER POLLUTION HAZARD

44. This Count is brought pursuant to the statutory authority of the Attorney General under Section 42 of the Environmental Protection Act (hereinafter the "Act"), Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1042 to seek injunctive relief for violations of the Act.

45. Paragraphs 1 through 7 are realleged.

46. Section 12(d) of the Act, Ill. Rev. Stat. 1979,

ch. 111 1/2, par. 1012(d) provides:

"No person shall:

* * *

Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard."

47. Section 3 of the Act, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1003 defines "water pollution" as:

"... such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life."

48. Section 3 of the Act, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1003 defines "contaminant" as:

"... any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source."

49. The proximity of the disposal site to the Mississippi River and the site's location outside of the flood control levee creates a distinct threat of contamination of the river during flood conditions.

50. In addition, the permeable nature of the soils

underlying and surrounding the disposal site creates a distinct threat of contamination of the underground waters and eventually the Mississippi River.

51. Thus, MONSANTO has violated Section 12(d) of the Act by depositing the above-described contaminants and hazardous substances at the disposal site in such place and manner as to cause a water pollution hazard.

52. The violation will continue unabated unless enjoined by this Court.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Honorable Court grant the following relief:

A. Issue an injunction directing Defendant to prevent any and all migration of contaminants or hazardous substances from the disposal site from entering the Mississippi River and/or the underground waters and to remove all such substances placed at the site, together with any soil already contaminated;

B. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and


C. Impose a civil penalty against Defendant in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for each violation and an amount not to exceed One Thousand

Dollars (\$1,000.00) for each day said violations are found to have continued;

D. Grant such other and further relief as this Court may deem appropriate under the circumstances.

PEOPLE OF THE STATE OF ILLINOIS

BY:


TYRONE C. FAHNER
ATTORNEY GENERAL
STATE OF ILLINOIS

OF COUNSEL:

Robert W. Mueller
Reed W. Neuman *Robert W. Neuman*
Assistant Attorneys General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

DATED: June 15, 1982.

STATE OF ILLINOIS }
COUNTY OF SANGAMON }

A F F I D A V I T

I, ROBERT W. MUELLER, being duly sworn upon my oath do
state:

1. I am an Assistant Attorney General with the responsibility
to prepare and present the Complaint attached hereto.

2. That the contents of the foregoing Complaint are true
to the best of my knowledge and belief.


Robert W. Mueller
Assistant Attorney General

SUBSCRIBED AND SWORN TO BEFORE
me this 9th day of June,
1982.


Notary Public



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

5HR-13

DEC 27 1983

Mr. Richard D. Burke, Vice-President
Riverport Terminal and Fleeting Company
112 N. Fourth Street
Suite 1754
St. Louis, Missouri 63102

Dear Mr. Burke:

Attached for your information is a final copy of U.S. EPA's Sauget/Sauget Landfill Chemical Contamination Study. The final report does not include a copy of the map attached to the back cover of the draft report. Please attach it to the final report and discard the draft copy.

Please contact me at (312)886-3008, if you have any questions concerning the final report.

Sincerely yours,

Michael O'Toole, P.E.
On-Scene Coordinator

Attachment

LAW OFFICES
FRANK L. PELLEGRINI
A PROFESSIONAL CORPORATION
SUITE 400
CHOUTEAU CENTER
133 SOUTH ELEVENTH STREET
ST. LOUIS, MISSOURI 63102

~~FRANK L. PELLEGRINI~~
~~WILLIAM T. WEIDLE, JR.~~
ASSOCIATE

TELEPHONE
241-7445

May 26, 1983

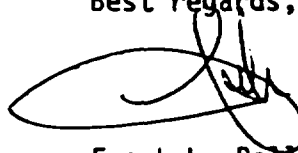
Mr. Richard D. Burke
Vice President
Riverport Fleeting and Terminal
112 North Fourth Street
St. Louis, Missouri 63102

Re: EPA Testing Sauget-Cahokia Property

Dear Dick:

Enclosed is a Certificate of Insurance which we received concerning the coverage for Ecology & Environment, Inc., the testing company who is under contract to the EPA for survey of the subject property. Even though they have statutory limits on all items, you will note that under general liability the box is marked for explosion and collapse hazard and underground hazard are not checked, and I would suppose that they may have that problem on the East Side. After review of same, please give me a call so that we can discuss how to respond to the EPA in this matter.

Best regards,



Frank L. Pellegrini

FLP/db

Enclosure

cord.

NAME AND ADDRESS OF AGENCY

COMPANIES AFFORDING COVERAGES

NAME AND ADDRESS OF INSURED

COMPANY E

POLICY NUMBER		POLICY DATE		Limits of Liability in Thousands (000)		
GENERAL LIABILITY					EACH OCCURRENCE	AGGREGATE
A	<input checked="" type="checkbox"/> COMPREHENSIVE FORM	MXP 358 75 18	8/1/83	BODILY INJURY	\$	\$
	<input checked="" type="checkbox"/> PREMISES OPERATIONS			PROPERTY DAMAGE	\$	\$
	<input type="checkbox"/> EXPLOSION AND COLLAPSE HAZARD					
	<input type="checkbox"/> UNDERGROUND HAZARD					
	<input checked="" type="checkbox"/> PRODUCTS COMPLETE OPERATIONS HAZARD			BODILY INJURY AND PROPERTY DAMAGE COMBINED	\$ 500,	\$ 500,
<input checked="" type="checkbox"/> CONTRACTUAL INSURANCE						
<input checked="" type="checkbox"/> BROAD FORM PROPERTY DAMAGE						
<input checked="" type="checkbox"/> INDEPENDENT CONTRACTORS						
<input checked="" type="checkbox"/> PERSONAL INJURY				PERSONAL INJURY	\$ 500,	
A	AUTOMOBILE LIABILITY	AB 354 63 95	8/1/83	BODILY INJURY (EACH PERSON)	\$	
	<input checked="" type="checkbox"/> COMPREHENSIVE FORM			BODILY INJURY (EACH ACCIDENT)	\$	
	<input checked="" type="checkbox"/> OWNED			PROPERTY DAMAGE	\$	
	<input checked="" type="checkbox"/> HIRED			BODILY INJURY AND PROPERTY DAMAGE COMBINED	\$ 500,	
	<input checked="" type="checkbox"/> NON OWNED					
B	EXCESS LIABILITY	XMO 00 73 35	8/1/83	BODILY INJURY AND PROPERTY DAMAGE COMBINED	\$10,000	\$10,000
	<input checked="" type="checkbox"/> UMBRELLA FORM					
<input type="checkbox"/> OTHER THAN UMBRELLA FORM						
A	WORKERS' COMPENSATION and EMPLOYERS' LIABILITY	WP 254 26 04	8/1/83	STATUTORY		
				\$ 500,		
OTHER						

AUTHORIZED REPRESENTATIVE



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:

28 FEB 1983

5HR

Mr. Richard D. Burke
Vice President
Riverport Terminal and Fleeting Company
112 North Fourth Street, Suite 1754
St. Louis, Missouri 63102

Dear Mr. Burke:

Thank you for your February 17, 1983 letter granting the United States Environmental Protection Agency (U.S. EPA) permission to enter Riverport's property in Sauget, Illinois.

Ecology and Environment Incorporated (E&E) will be the contractor conducting the subsurface investigation. E&E plans to make their initial site visit on March 8-11, 1983 to conduct a magnetometer survey. The survey will locate potential areas of buried metal. After this initial site visit is completed neither U.S. EPA or E&E will be on site again for several months. The additional activities to be completed as part of this investigation must be subcontracted. In order to subcontract, E&E must solicit proposals and select the lowest responsive bidder. This process usually takes 60-90 days and therefore I do not anticipate starting subcontract work until July 1, 1983.

The additional activities to be completed under subcontracts are as follows:

- ° Ground Penetrating Radar Survey
This activity will define the volume and density of the buried metal discovered during the magnetometer survey. The radar also can detect the interface between disturbed and undisturbed soils.
- ° Installation of Groundwater Monitoring Wells
Two or three shallow ground water monitoring wells (less than 40 feet) will be installed to determine the quality of the local groundwater. Soil borings will also be collected and sent to the laboratory for qualitative chemical analysis.

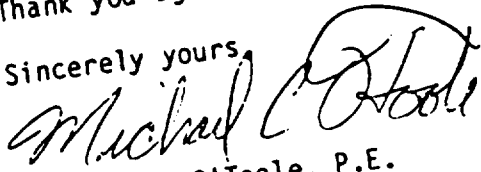
The ground penetrating radar survey will take 2-3 days to complete. The well drilling subcontractor will be on site for approximately thirty days. All work conducted by subcontractors will be over seen by E&E. E&E will collect all soil and ground water samples and the laboratory analysis for these samples takes 30-60 days. A final report which will include all test and sample results will not be available until at least October 1983. However, since this investigation will be so protracted I will contact you periodically with an update.

In order to avoid interfering with Pillsbury's terminal operation, E&E will contact Pillsbury prior to initiating any site activity. E&E will explain in detail what that activity will encompass and what precautions if any are necessary to protect Pillsbury personnel.

Please contact me at (312) 886-3008 if you have any additional questions concerning this matter.

Thank you again for your cooperation.

Sincerely yours,



Michael C. O'Toole, P.E.
On-Scene Coordinator

cc: Carl A. Smith, Pillsbury Company
Ron St. John, Ecology and Environment, Inc.
Rick McDaniel, Pillsbury Company



Illinois Environmental Protection Agency

2009 Mall Street, Collinsville, Illinois 62234

618/345-4606

CERTIFIED
P 063 948 675

Refer to: LPC 1631210001 - St. Clair County - Sauget/Sauget

May 7, 1986

Riverport Terminal and Fleeting Company
Mr. Richard Burke
Suite 1725
200 North Broadway
St. Louis, Missouri 63102

Dear Mr. Burke:

On May 2 and 6, 1986, Compliance Inspections were conducted at your facility located near the Mississippi River in Sauget, Illinois. The purpose of this letter is to inquire as to your position with respect to the validity of the Agency's findings. During the inspection, the following apparent violation of the Illinois Environmental Protection Act was noted:

The fires observed and reported to you on May 2, 1986 via phone, continue to burn. Although the number of areas has decreased, the violation of Subtitle G, Waste Disposal Part 807.311 remains.

Please submit in writing within fifteen (15) days of the date of this letter, the reasons for the apparent violation outlined above, as well as a description of the steps which will be initiated to prevent any further recurrence of the above cited violation and the measures to be taken to bring the site into compliance with the Environmental Protection Act. The written response should be sent to the address of this office, given above.

Further, take notice that non-compliance with the requirements of the Environmental Protection Act and the Rules and Regulations adopted thereunder may be the subject of an enforcement action pursuant to the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Par. 1001 et seq.

Very truly yours,

ENVIRONMENTAL PROTECTION AGENCY

A handwritten signature in cursive script that reads "Kenneth G. Mensing".

Kenneth G. Mensing
Regional Manager
Division of Land Pollution Control

KGM:PMM:jlr/0071L

cc: Division File
cc: DLPC - Collinsville

Riverport Terminal and Fleeting Company

SUITE 1725 • 200 NORTH BROADWAY • ST. LOUIS, MISSOURI 63102-2716 • (314) 421-0531

May 16, 1986

Mr. Kenneth G. Mensing
Regional Manager
Division of Land Pollution Control
Illinois Environmental Protection Agency
2009 Mall Street
Collinsville, Illinois 62234

Re: Sauget, Illinois Fire Reported on May 2, 1986
LPC 1631210001 - St. Clair County - Sauget/Sauget

Dear Mr. Mensing:

Although the above referenced fire was not caused by actions of our company (see attached Pillsbury letter) we have taken the following steps to eliminate the fire.

Since observing the fire on approximately March 25, 1986, we have attempted to extinguish the fire. On May 14, 1986, I met with Mr. Pat McCarthy of your agency on site to review our progress. With the exception of one small area the fire had been extinguished.

We are currently planning to extinguish the remaining small area this week. We will continue to monitor the area on a regular basis to make sure the fire does not restart. In addition, we plan on contacting Mr. McCarthy periodically and reviewing the site with him to determine if any additional action is necessary.

Our company has continually cooperated with your agency with respect to this property. We plan on following the same procedure in the future.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Richard D. Burke
Executive Vice President

RDB:pal

THE PILLSBURY COMPANY

PILLSBURY CENTER
MINNEAPOLIS, MINNESOTA 55402

January 27, 1983

Mr. Richard D. Burke
Riverport Terminal and Fleeting Inc.
112 North 4th Street
Suite 1754
St. Louis, Missouri 63102

Dear Dick:

Enclosed are the items we discussed over the phone this morning which relate to Federal EPA's request to conduct a sub-surface investigation on a portion of our Sauget, Illinois terminal.

We, Pillsbury, have already given tentative oral approval to Mike O'Toole's request. However, Mike was informed that your approval would be required prior to commencement of any investigation. I would appreciate receiving any correspondence you might have with the EPA regarding your decision in this matter.

A copy of the state of Illinois' Complaint for Injunction and Other Relief is enclosed. This was filed June 15, 1982 and describes the current problem with regard to the Monsanto disposal site located adjacent to our facility.

Also, at our request, is a copy of Mr. C. F. Buckley's report regarding the incident which occurred on our property on May 29, 1980. This memo was written after he and several others had visited the site just after the occurrence. After reviewing this memo I personally contacted Mr. Buckley and ascertained that he had recognized several barrels that obviously had contained waste material from the Monsanto Corporation. He declined to give me any specific names of the compounds.

At the time of the incident we were constructing a railroad spur and were only digging a short way into the surface, just enough to lay ballast. After this occurrence we have done no further excavating in this area.

You indicated that you would be reviewing this material with Frank Pellegrini and suggested that prior to any commencement on the part of EPA, that our attorneys meet with yours to review what action steps should be taken in the event Federal EPA finds toxic materials stored on our facility.

For your information we have had the silt and sediment in the channel tested and the results indicate the material is non-hazardous according to the existing federal and state standards of identity for hazardous materials.

If you have any further questions about any of the attachments
don't hesitate to get in touch with me. My phone number is 612/330-5165.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl A. Smith', with a stylized, cursive script.

Carl A. Smith
Director, Product Safety and
Regulatory Affairs, Agri-Products

Attachments - (to Addressee only)

cc: J. Allen 3764
R. Bragg 3410

CAS:lg

Riverport Terminal and Fleeting Company

STILL 1727 • 200 NORTH BROADWAY • ST. LOUIS, MISSOURI 63102-2716 • 314/420-0733

June 2, 1986

Mr. Bruce Carlson
Illinois EPA Enforcement Section
2200 Church Hill Road
Springfield, Illinois 62706

Re: EPA Consent Agreements

Dear M. Carlson:

Pursuant to instructions from our attorney, Frank L. Pellegrini, I am enclosing Consent Agreements allowing your agency to enter upon properties owned by our company.

Should you have any questions, please contact Frank Pellegrini.

Very truly yours,

Richard D. Burke
Executive Vice President

RDB:pal

Enclosures

CONSENT AGREEMENT FOR ENTRY AND
REMOVAL OR REMEDIAL ACTION

1. Riverport Terminal and Fleeting, Inc. (hereinafter referred to as "Riverport") is the owner of property in St. Clair County, Illinois which is located approximately as shown in the shaded area on the attached map (Tax Parcel No. 1-27-400-015).

2. The undersigned, as authorized agent for Riverport hereby authorizes and consents to the entry upon the real estate described above by officers, employees, authorized representatives, or contractors of the State of Illinois, upon showing of proper identification, for such actions as are necessary or appropriate to carry out the purposes of the Environmental Protection Act, Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1001 et seq., as amended (hereinafter the "Act"), and the rules and regulations of the Illinois Pollution Control Board. Such actions may include, but are not limited to, the following:

- a). Gathering of general information about the site and site mapping;
- b). Placement of identification markers;
- c). Installation of soil gas monitoring equipment and subsequent sampling;
- d). Geophysical study to help define site geology and the occurrence of contamination;
- e). Hydrogeological study expected to involve:


- i). boring of test wells and holes;
 - ii). drilling and installation of a network of monitoring wells;
 - iii). evaluation of aquifer flow characteristics and conduct of groundwater sampling and analysis utilizing the wells mentioned in (ii) above and any appropriate existing on-site wells;
- f). Ambient air study to determine the extent and/or potential for atmospheric contamination;
- g). Surface water study to determine the extent and/or potential for contamination of surface waters expected to involve sampling and analysis of surface waters and sediment; and
- h). Soil study to determine the extent of soil contamination expected to involve sampling and analysis of soils collected under a depth stratified sampling program.

3. Riverport agrees that this Consent Agreement shall remain in effect for a period of one year from the date of signature.

4. This consent is granted in consideration of the State of Illinois' responsibility to perform environmental assessment, response action, and remedial action pursuant to the Act and the rules and regulations adopted by the Illinois Pollution Control Board.

5. Riverport certifies that this Consent Agreement is entered into voluntarily and without coercion and that the authorizations contained herein are not granted in consideration of release of claims which the State of Illinois may have against it.

6. Riverport agrees that any claims which may arise against the State of Illinois or its officers, employees, authorized representatives, or contractors in the course of performing the actions described above, or by reason of any monitoring equipment or wells being located on the premises pursuant to this Consent Agreement shall be subject to the Illinois Court of Claims Act. Ill. Rev. Stat. 1985, ch. 37, pars. 439 et seq., as amended.

DATE: 6/2/86
PRINTED NAME: Richard D Burke
TITLE: Executive Vice President
ADDRESS: Suite 1725
200 N BROADWAY ST LOUIS MO 63102
PHONE: 314 421 1153
SIGNATURE OF AUTHORIZED
AGENT FOR RIVERPORT: 

15-00000

Petrella Agcy., Inc.
3411 Delaware Ave.
Buffalo, NY 14217

COMPANIES AFFORDING COVERAGE

COMPANY
LESTER
1
Fireman's Fund Ins. Co.

COMPANY LETTER **Pacific Employers Ins. Co.**

Ecology & Environment, Inc.
P.O. Box D
195 Sugg Rd.
Buffalo, NY 14225

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بازار

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

CO LINE	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIABILITY LIMITS IN THOUSANDS		
					PERSONAL AUTOMOBILE	PERSONAL AUTOMOBILE	PERSONAL AUTOMOBILE
A	GENERAL LIABILITY	MXX 80028617	8/1/85	8/1/86			
	X COMPREHENSIVE FORM						
	X PREMISES OPERATIONS						
	X UTILITY/ROOFING						
	X PRODUCTS/COMPLETED OPERATIONS						
	X CONTRACTUAL						
	X NONDEPENDENT CONTRACTORS						
	X EXCESS FORM PROPERTY DAMAGE						
X PERSONAL INJURY							
A	AUTOMOBILE LIABILITY	MXA 5558857	8/1/85	8/1/86			
	X ANY AUTO						
	X ALL OWNED AUTOS (PSW PASS 1)						
	X ALL OWNED AUTOS (OTHER THAN PSW PASS 1)						
	X HIRED AUTOS						
	X NONOWNED AUTOS						
	X GARAGE LIABILITY						
	X EXCESS LIABILITY						
B	EXCESS LIABILITY	XMO 025197	8/1/85	8/1/86			
	X EXCESS LIABILITY						
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY	WP 2859538	8/1/85	8/1/86			
	OTHER						

DESCRIPTION OF OPERATIONAL CAPABILITY OF VEHICLES

Re: Dead Creek Project
Contract of 9/9/85

Illinois EPA Enforcement Section
2200 Church Hill Rd.
Springfield, Ill. 62706
Attn: Mr. Bruce Carlson

[illegible]

May 5, 1986

Mr. Bruce L. Carlson
Staff Attorney
Enforcement Programs
Division of Land Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

RE: SAUGET/SAUGET SITES
(RIVERPORT TERMINAL AND FLEETING, INC.)
ST. CLAIR COUNTY
LPC 1630200005

Dear Bruce:

In reference to your letter of April 3, 1986, I still have some concern regarding the settlement agreement and the mechanism by which Riverport will be named as an insured on the policy purchased by Ecology and Environment, Inc.

Also, I am made to understand that you have sent another letter requesting an agreement from Eagle Marine Industries as our office represents Eagle Marine also, and since it is a company also involved with basically the same principals as Riverport, I would appreciate you contacting me by phone so that we hopefully may finalize the Riverport contract, and hopefully at the same time enter into the same format for Eagle Marine Industries.

I would appreciate hearing from you at your earliest possible convenience.

Very truly yours,

Frank L. Pellegrini

FLP/db

cc: Richard D. Burke

Sauget

Sanitary Development & Research Association

10 MOBILE STREET
SAUGET, ILLINOIS 62201

January 13, 1988

Mr. Richard D. Burke
Eagle Marine Industries
200 North Broadway
St. Louis, MO 63102

Dear Sir:

The Illinois Environmental Protection Agency has retained Ecology and Environment, Inc., to study various sites in the Sauget area. This study is apparently directed at attempting to place these sites on the National Priorities List (Superfund) and is nearing completion.

As you or your company appears to have an interest in one or more of these sites through your past operations or property ownership, we are inviting you to attend a management briefing at 1:00 p.m. on Thursday, January 28, at the Sauget Village Hall, 2897 Falling Springs Road, Sauget, Illinois. The meeting will be held in the second floor meeting room and include a management briefing by Mr. David Miller, principal, of Geraghty & Miller, Inc., Groundwater Consultants, and Dr. James W. Patterson, Environmental Consultant. Mr. Richard Kissel of Martin, Craig, Chester and Sonnenschein will review possible legal implications.

The purpose of this meeting is to inform you of the status of this study and to form the Sauget Industrial Association for the purpose of monitoring this study in the future. Specific subgroups could of course be formed to deal with specific sites should the need arise in the future.

We hope you will be able to join us for this informative meeting. Please RSVP to Bonnie Johnson, 618/337-7060, by Monday, January 25.

Sincerely,

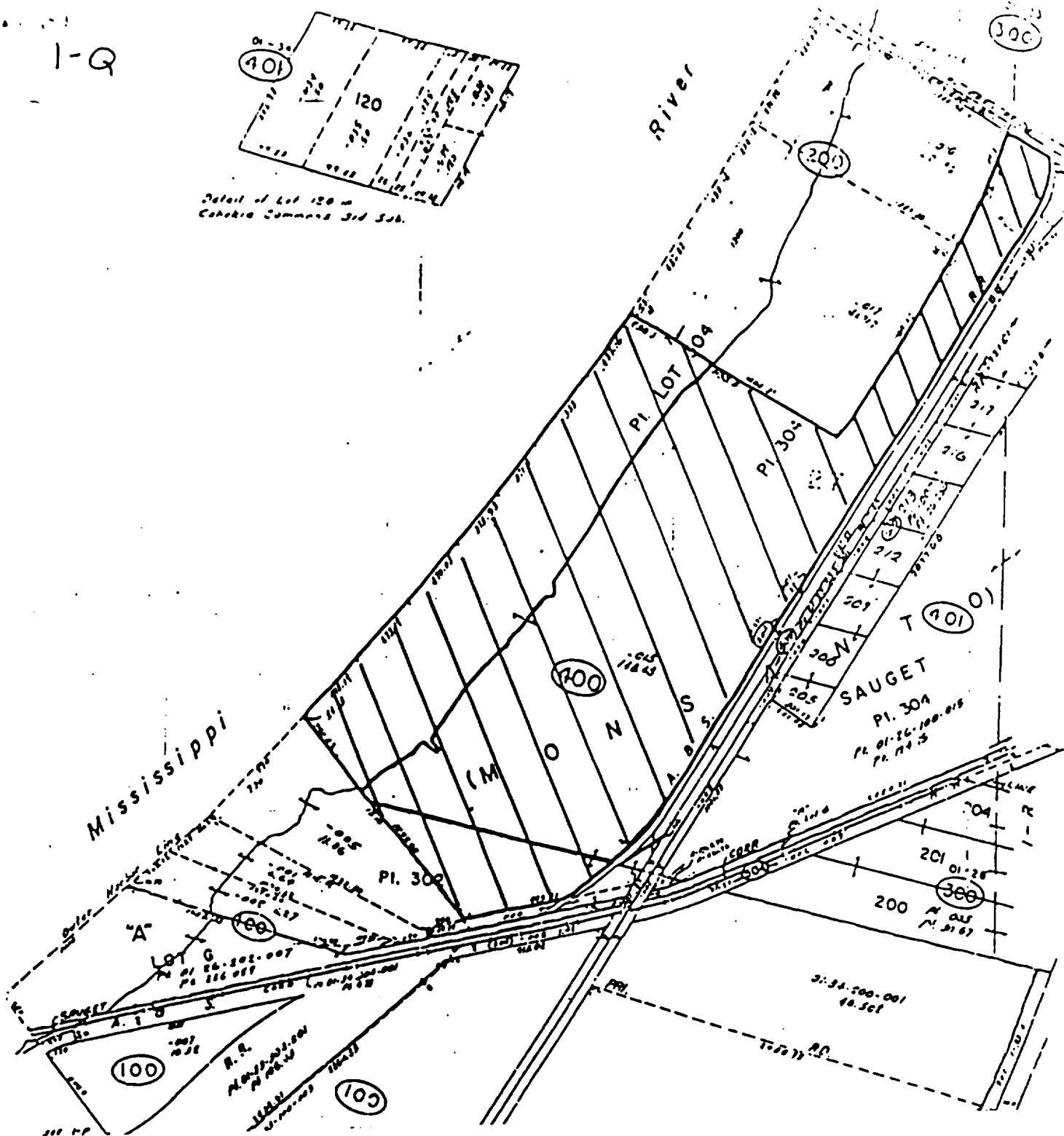


Warren L. Smull

/bjj

1-Q

Detail of Lot 120 in
Cahokia Common and Sub.





Illinois Environmental Protection Agency · P.O. Box 19276, Springfield, IL 62794-9276

217/782-6761

Refer to: LPC#1630200005 - St. Clair
Sauget Sites - Sauget
Superfund - General Correspondence

June 6, 1988

OPTIONS FOR OBTAINING OR REVIEWING A COPY OF THE EXPANDED SITE INVESTIGATION AT THE SAUGET SITES - Prepared by Ecology & Environment, May, 1988 *previously studied*
for Illinois Environmental Protection Agency

our site "O" not included in this study. was

1. Send \$75 to Jeffrey Larson
Federal Site Management Unit, Division of Land Pollution Control
IEPA, 2200 Churchill Road, Springfield, IL 62706
per each copy requested
make checks payable to State Treasurer of Illinois.
2. Contact Jane Squires (217/782-5560) DLPC at IEPA, 2200 Churchill Road, Springfield, IL to schedule an appointment to review the document.
3. Make an appointment with IEPA Collinsville office, 2009 Mall Street, Collinsville, IL 62234, Attention: Ken Mensing, to review the document.
4. Public Repositories are:
 - A. Sauget Village Hall
 - B. Cahokia Village Hall
 - C. Cahokia Public Library

option 2, 3, & 4 do not allow for the document to be removed from the premises.



217/782-5562

June 16, 1988

Dear Interested Citizens and Officials:

The Expanded Site Investigation Final Report is now available for public review at the Cahokia Public Library, the Cahokia Village Hall and the Sauget Village Hall. The 1,000 page report specifically identifies the hazardous waste sites and contaminants of the Sauget-Cahokia area in an effort to gain future Superfund status and dollars. In addition, an informational fact sheet for citizens is now being prepared and will be released in about 2-3 weeks. The fact sheet will explain (in non-technical language) the background of the project, how the study was done, what was found and the future of the project.

The report began in late 1985 as a Remedial Investigation/Feasibility Study, a required step in the state "Clean Illinois" program for hazardous waste sites. It was determined in 1986 that the state fund could not possibly cover a "cleanup" of the area, so the Illinois Environmental Protection Agency (IEPA) redirected its contractor toward proving the area's eligibility for the federal Superfund program. The newly released report is the product of that new effort.

Although the report is highly technical, certain sections are easier to understand than others. (Turn to the bright gold pages stapled into the back of Volume 1 for definitions of some of the technical terms used.) For an overview of the report and its findings, citizens should turn first to Volume 1, pages 1 through 5, followed by pages 7-1 through 7-6, then pages 7-40 through 7-55. For a more detailed description of the chemical contaminants found at each site and in each medium (surface soil, below-surface soil, air, creek water and groundwater) review pages 7-20 through 7-40. Citizens who are interested in more technical details of sites background, investigation procedures, physical/chemical results, groundwater modeling and contaminant migration/impact should turn to the Table of Contents in Volume 1. Volume 2 contains appendices mentioned in Volume 1.

Everyone who received this notice will also receive a copy of the citizens' informational fact sheet. To add other people to the existing mailing list, please send the (clearly) printed names and address to:

IEPA-Director's Office
Attention: Keri Luly #5
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

If I can answer any questions, please call me at 217/782-5562.

Sincerely,

Keri Luly
Keri Luly

Community Relations Coordinator

Sauget

Exhibit # 15

Sanitary Development & Research Association

10 MOBILE STREET
SAUGET, ILLINOIS 62201

January 13, 1988

Mr. Richard D. Burke
Eagle Marine Industries
200 North Broadway
St. Louis, MO 63102

Dear Sir:

The Illinois Environmental Protection Agency has retained Ecology and Environment, Inc., to study various sites in the Sauget area. This study is apparently directed at attempting to place these sites on the National Priorities List (Superfund) and is nearing completion.

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We hope you will be able to join us for this informative meeting. Please RSVP to Bonnie Johnson, 618/337-7060, by Monday, January 25.

Sincerely,



Warren L. Smull

/bjj

Village of Sauget

Paul Sauget
Mayor

2897 Falling Springs Road
Sauget, Illinois 62206

(618) 337-5267

February 26, 1988

Gentlemen:

Thanks to those of you who attended the January 28, 1988 briefing session on the Remedial Investigation/Feasibility Study being conducted by the Illinois EPA in the Sauget area. Such attendance manifested your interest in these proceedings. It is hoped that the technical and legal consultants who spoke at the meeting were able to contribute to your knowledge of the matter.

As you were previously advised, and as stressed during the meeting, there had been a suggestion to form an association of industries and other land owners affected by this study to seek a cooperative approach to the remediation of problems likely to surface as a result of the current study. Illinois EPA's contractor, Ecology and Environment, Inc., is due to submit a detailed report to the Agency very soon.

A number of people who attended the January meeting expressed an interest in pursuing the "cooperative approach". We want to get together now to explore how this can be accomplished and to report on some conversations with Illinois EPA.

We will meet at 9:30 A.M., March 4, 1988, at the Sauget Village Hall, 2897 Falling Springs Road, to discuss the formation of an association of interested parties for the purpose of monitoring the actions of the Illinois EPA and taking the necessary steps towards the remediation of problems in a cost-effective manner without federal agency involvement and having to deal with Superfund issues.

We hope you will be able to join us for this meeting and ask that you "RSVP" to Bonnie Johnson, (618) 337-7060, by Wednesday, March 2, 1988.

Sincerely,

Paul Sauget
PAUL SAUGET
Mayor

PS/bj

**Sauget/Cahokia Sites
Project L1630200005
St. Clair County**



Illinois Environmental Protection Agency

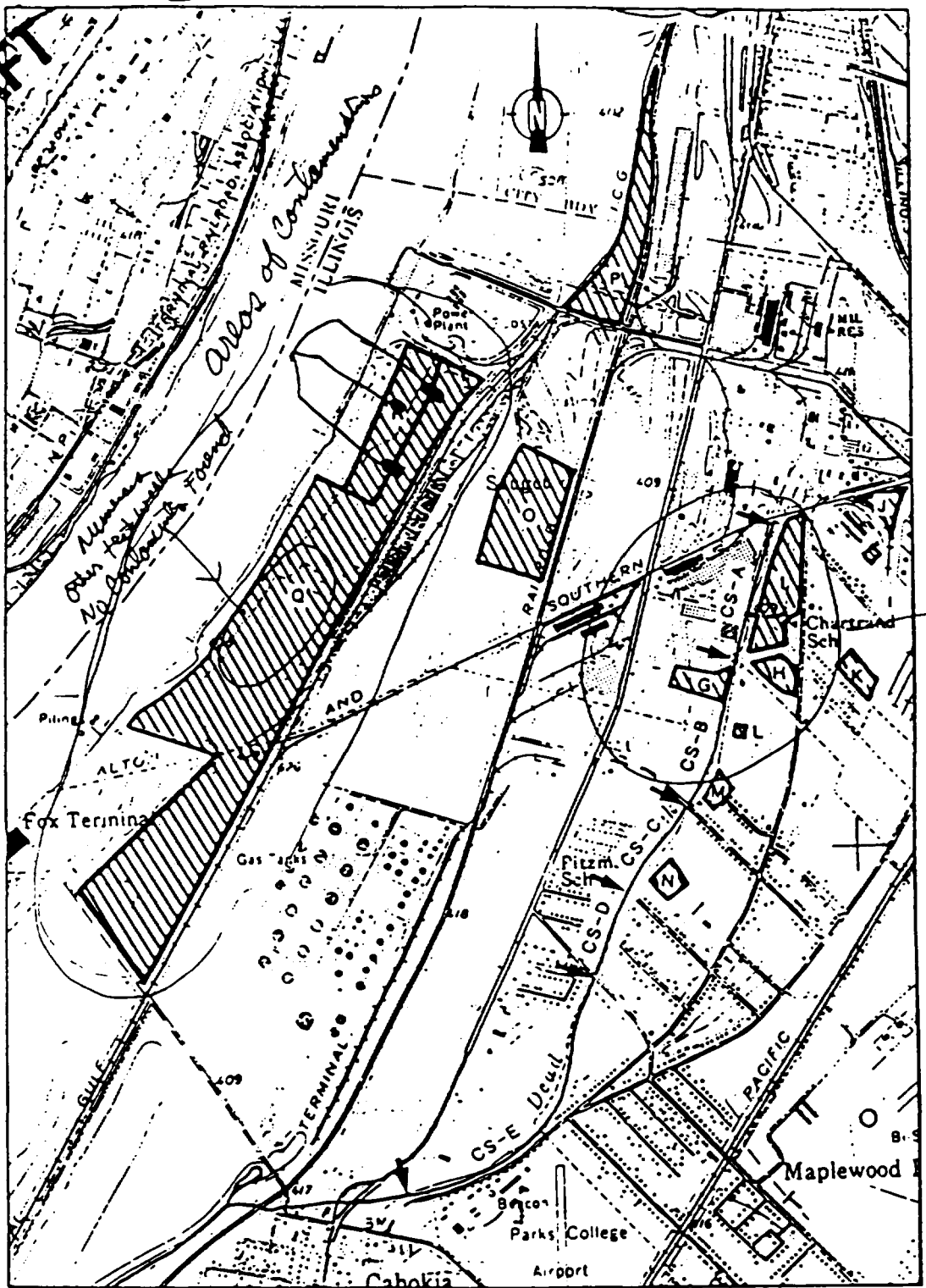
-Sauget/Cahokia Sites Project L1630200005

Scope of Work

- Locate and define types and quantities of hazardous materials at the DCP sites;
- Provide a detailed description of area hydrogeology and its effect on contaminant migration and fate;
- Provide a comprehensive catalog of wastes present at the various project sites;
- Where possible, locate or define sources of contaminant releases;
- Identify past, present, and anticipated methods or pathways of contaminant release, and specific contaminants released;
- Assess the expected movement of contaminants in the matrices sampled, and identify potential receptors of contaminants; and
- Provide a data base for HRS scoring of the sites.

DRAFT

Area
2



Area

SOURCE: USGS Cahokia Quad, 1974.

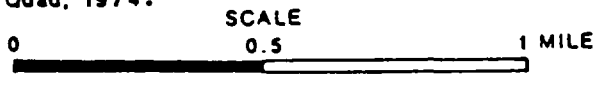


FIGURE 2-2 SITE REPORTING DESIGNATIONS FOR THE DEAD CREEK PROJECT

SITE BACKGROUND

SITE DESCRIPTION

The DCP area is located in and around the cities of Sauget (formerly Monsanto) and Cahokia in west-central St. Clair County, Illinois. The project area consists of 12 suspected uncontrolled hazardous waste sites, and six segments of Dead Creek, which is an intermittent stream flowing southerly in the eastern portion of the project area. To avoid confusion stemming from various file designations or aliases for the various sites or creek sectors, each site or creek sector has been assigned an alphabetical designation (see Figure 2-2). The disposal sites occupy approximately 220 acres.

ABANDONED LANDFILL

Site G. Site G is a former subsurface/surface disposal area which occupies approximately 4.5 acres. The site is located in Sauget and is bordered on the north by Queeny Avenue, on the east by Dead Creek, on the south by a cultivated field, and on the west by Viese Engineering Company property.

The surface of Site G is littered with demolition debris and metal wastes. Two small pits are located in the northeast and east-central portions of the site. Oily and tar-like wastes, along with scattered corroded drums, are found in these areas. Additionally, 20 to 30 deteriorated drums are scattered along a ridge running east-west, near the southern perimeter of the site. The western portion of Site G contains a mounded area with several corroded drums protruding from the surface. A large depression is found immediately south of the mounded area. This depression receives surface runoff from a sizable area within the site. Exposed debris is also present over most of the site. In areas where wastes are not exposed, fly ash and cinder material has been used as cover. Presently, a chain-link fence surrounds Site G. The fence was constructed in May 1987 as a response action after high levels of organic contamination were detected in surficial soils.

ROGER'S CARTAGE PROPERTY

Site H. Site H is a former subsurface disposal area covering approximately 5 acres. The site is located in Cahokia immediately southwest of the intersection of Queeny Avenue and Falling Springs Road. On the surface, Site H is an open field which has been covered, vegetated, and graded. Several depression areas, capable of retaining rainwater, are also evident across the site. Surface drainage is generally to the west; although certain localized drainage is toward the depressions. Waste material is not evident on the surface of the site. Access to Site H is not controlled.

CERRO COPPER PRODUCTS

Site I. Site I, in Sauget, consists of approximately the eastern one-third of the Cerro Copper Products (Cerro) property. Cerro is a copper refining and tube manufacturing facility. Site I is approximately 55 acres in area and is a former sand and gravel pit which was subsequently filled with unknown wastes. Two holding ponds (Creek Sector A) which formerly served as headwaters for Dead Creek are located along the west side of Site I. The former gravel pit/fill area was covered and graded, and is presently used for equipment and scrap storage and truck trailer parking. No waste material or drums are evident on the surface of Site I. Access to the entire Cerro property is controlled by a chain-link fence and a 24-hour guard at the main entrance to the facility.

STERLING STEEL FOUNDRY

Site J. Site J is in two segments on the Sterling Steel Foundry Property in Sauget in the eastern part of the OCP. It consists of two pits and a surface disposal area presently utilized by Sterling. The surface disposal area, occupies approximately 5 acres triangular area northeast of the plant buildings, south of Alton and Southern Railroad, and west of a bermed area. Casting sand, slag, and miscellaneous debris covers this entire area. A small pit contiguous to the triangular area, north of the main foundry building has been partially filled with casting sand and baghouse dust. No evidence of chemical waste disposal is apparent in this area. A larger pit is situated southeast of the plant buildings. This pit has been partially filled with casting sand and miscellaneous debris. The larger pit is approximately 25 feet deep, and there is water at the the bottom of it. The entire Sterling property is bordered by a chain-link fence; however, the entrance gate is not locked or guarded.

FORMER SAND PIT

Site K. Site K is of a former sand pit identified through of historical aerial photographs. The pit has been filled with unknown materials and covered with soil and gravel, and the area has been graded to the surrounding topography. The site is located in Sauget north of a residential area on Queeny Avenue, and east of Falling Springs Road. Site K covers approximately 6 acres and is presently unoccupied. Several trailer homes and houses are located within 100 feet of the site. Access to Site K is not restricted.

OLD WAGGONER COMPANY IMPOUNDMENT

Site L. Site L is the location of a former surface impoundment used by a hazardous and special waste hauler to dispose of wash water from truck cleaning operations. The dimensions of the impoundment are approximately 70 feet by 150 feet. The impoundment was approximately 250 feet south of the present Metro Construction Equipment Company (Metro) building, and approximately 125 feet east of Dead Creek in Cahokia. The site is now covered with black cinders, and is used by Metro for equipment storage. Several rows of heavy construction equipment are presently stored in the site area. No waste material is apparent at the surface of Site L. Access to the area is not controlled.

H.H. HALL CONSTRUCTION CO.

Site M. Site M, in Cahokia, is a former sand pit excavated by the H.H. Hall Construction Company in the mid to late 1940s. It is located immediately east of Dead Creek, and approximately 300 feet north of Judith Lane. The dimensions of the pit are approximately 275 by 350 feet, and the estimated depth is 40 feet. The pit is presently filled with water, although it remains unclear whether the water is a surface expression of the groundwater, or simply collected rainwater and drainage. Site M is connected to CS-B of Dead Creek by a drainageway, or cut-through, located in the southwest corner of the pit.

This cut-through is approximately 8 feet wide, and allows flow between the creek and the pit. The east bank of the pit is strewn with miscellaneous trash and debris. Other than this material, no evidence of waste disposal is apparent in the pit.

Presently, Site M is enclosed by a chain-link fence, which also encompasses CS-B. A small residential area is located just east of the pit on Walnut Street, which earlier served as an access road to Site M. The pit was excavated prior to any residential development on this street.

H.H. HALL CONSTRUCTION CO.

Site N. Site N is an excavated area in the southwest corner of an inactive construction yard owned by the H.H. Hall Construction Company of East St. Louis. The site is 4 acres in area and is bordered on the northwest by Dead Creek. The excavated area has been partially filled with construction and demolition debris, but the area remains below the surrounding topography.

The Hall property is presently used only for equipment storage. Access to the Hall property is restricted by a chain-link fence with a padlocked gate.

SAUGET WASTE WATER TREATMENT PLANT

Site O. Site O contains four inactive sludge dewatering lagoons associated with the Sauget Waste Water Treatment Plant. The site is located on Mobile Avenue in Sauget. The property covers approximately 45 acres in a heavily industrialized area. The former sludge lagoons Site O covers approximately 20 acres to the south of the treatment plant buildings. The lagoons have been covered with a clay cap and vegetated, and no waste material is evident on the surface. An access road to the new American Bottoms Treatment Plant, located immediately southwest of the former lagoons, runs through the middle of the site. Although chain-link fencing surrounds most of the site, vehicular traffic on the access road is not restricted.

SAUGET/MONSANTO LANDFILL

Site P. Site P is an inactive, IEPA-permitted landfill covering approximately 20 acres in the northern part of the DCP in Sauget. The site is bordered on the west by Illinois Central Gulf Railroad tracks; on the south by Monsanto Avenue; and on the east by the Terminal Railroad Association railroad tracks. The two railroads converge at the north end of the site.

Site P is characterized by steep sloping landfill sides along its east and south-central portions. The majority of the site is covered with cinders. Deep erosional channels are prevalent along the slopes. The south-central portion of the site was not landfilled because of the presence of a potable water line in this area. A nightclub and parking lot presently occupy approximately 3 acres in the southeast corner of the site. Access to the site is not restricted.

SAUGET/SAUGET LANDFILL

Site Q. Site Q is an inactive waste disposal facility in Sauget and Cahokia. The facility was operated by Sauget and Company between 1966 and 1973. The site covers approximately 90 acres. The site is located on east bank of the Mississippi River between the Mississippi and United States Army Corps of Engineers (COE) flood control levee. The northern one-third of Site Q is situated immediately east of Site R.

The majority of Site Q is presently occupied by the Pillsbury Company, which operates a coal and grain unloading and transfer facility on the property. Large mounds of coal and cinders are present in the northern one-half of the property. The southern portion of the site is presently unoccupied. Some random dumping of household-type waste is evident in this area. A railroad spur divides the site, running north from the Alton and Southern Railroad tracks to the northern one-third of the property, where it ends. Several ponds, including two in the east-central portion and two in the area south of the Alton and Southern Railroad tracks, also exist on the site. Vehicular access to Site Q is presently restricted by fencing in the northern portion of the site and by a 24-hour guard at the main gate. Pedestrian access to the site, however, is unrestricted in the southern portion of the site.

SAUGET TOXIC DUMP

Site R. Site R, in Sauget, is the Sauget Toxic Dump (also known as the Krummrich Landfill), an inactive industrial waste landfill owned by the Monsanto Chemical Company (Monsanto) and used by the Monsanto as a landfill between 1957 and 1977. Site R occupies approximately 36 acres. The site is located immediately west and north of Site Q. A Monsanto feedstock tank farm is located adjacent to the site on the northwest side, between Site R and the Mississippi. Site R is presently covered with a clay cap vegetated. Drainage flows to ditches around the perimeter of the site. The riverbank adjacent to the site is covered with rip-rap consisting of large rocks and boulders. Access to Site R is restricted by a chain-link fence, and television cameras are used to monitor activity at the main gate. A second gate provides access through Site Q.

Dead Creek Sectors A and B. Creek Sector A (CS-A), is on Cerro products property in Sauget and is located immediately west of the former sand pit which constitutes Site I of the DCP. The creek in this area presently consists of two holding ponds which receive surface runoff and roof drainage from Cerro. According to Cerro officials, no process wastewater, cooling water, or other waste is discharged to the ponds. The water in CS-A is highly discolored and oily, as evidenced by staining along the creek banks. A culvert located at the south end of CS-A under Queeny Avenue was blocked some time in the early 1970s to prevent flow to the remainder of the creek. Since CS-A lies entirely on access is as described above for Site I.

Creek Sector B (CS-B) is the portion of Dead Creek lying between Queeny Avenue and Judith Lane in Sauget and Cahokia. Three other sites in the DCP study area are located adjacent to CS-B, namely, Site G to the northwest, Site L to the northeast, and Site M to the southeast. All of these sites have been identified at one time or another as possible sources of pollution in CS-B. Presently, CS-B and Site M encompassed by a chain-link fence which was installed by the USEPA in 1982. The banks of the creek are heavily vegetated, and debris is scattered throughout the northern one-half of CS-B. Culverts at Queeny Avenue and Judith Lane have been blocked, preventing any release of contaminants to the remainder of the creek. Water levels in the creek

Dead Creek Sectors C through F. Creek Sectors C through F include the entire length of Dead Creek south of Judith Lane. This portion of the creek flows south-southwest through the Village of Cahokia prior to discharging into the Prairie DuPont Floodway. The floodway subsequently discharges into the Cahokia Chute of the Mississippi River. The creek is wider in these sectors than in Sectors A and B, and the banks are not as heavily vegetated as along CS-B. In the southern portion of CS-D, near Parks College, the creek runs underground through a corrugated pipe. The creek resurfaces briefly at the intersection of Illinois Route 157 and Falling Springs Road. Downstream of this point, the creek runs west through a series of culverts prior to draining into a wetland area west of Illinois Route 3.

Creek Sectors C through F are delineated as follows: CS-C, Judith Lane to Cahokia Street; CS-D, Cahokia Street to Jerome Street; CS-E, Jerome Street to the intersection of Illinois Routes 3 and 157; and CS-F, from this intersection to the discharge point in Old Prairie DuPont Creek. Access to Creek Sectors C through F is unrestricted, and children have been observed playing in and around the creek on several occasions.

JL:mab/1701j/1-5

HISTORY

The study area for the Dead Creek Project (DCP) consists of 18 sites in the towns of Sauget and Cahokia in St. Clair County, Illinois (see attached map). The Illinois EPA became aware of the problems in this area in 1980 when periodic smoldering of materials in a ditch (Dead Creek) was observed. Following an initial inspection, the agency received information that a local resident's dog had come in contact with wastes in the ditch and died of apparent chemical burns.

Historically, during World War II, the study area was heavily developed by industry to support the war effort. Due to this development and the geologic conditions in the area, open pit mining occurred in many areas to supply sand and gravel resources. Following the war, excess product was landfilled and covered in the numerous excavations. Wastes reported to have been buried in these excavations include phosgene gas and munitions in addition to organic and inorganic industrial wastes. The excavated areas were identified by the Illinois EPA from a series of past aerial photographs, and by a thermal infrared survey of the area.

The filling of past excavations was followed by utilization of Dead Creek as receiving water for effluent and surface drainage of various industries. The Illinois EPA performed a preliminary study of the area in 1980, finding excessive levels of organic and inorganic contaminants in and around the creek. Contaminants detected included: PCBs, aliphatic hydrocarbons, dichlorobenzene, lead, cadmium, and arsenic. During the Illinois EPA study, drillers were overcome by organic vapors while installing a monitoring well east of the creek

and adjacent to a former seepage lagoon. Sampling of this well and the lagoon indicated high levels of the aforementioned contaminants.

Following World War II, chemical companies in the area returned to normal processes, including the manufacturing of defoliants, pesticides, and herbicides. From the mid-1950s to the early 1970s, the byproducts and wastes from these manufacturing processes were land-filled in the Site R and possibly Site Q areas (see map). Drilling and sampling by E & E in 1983 at Site Q indicated the presence of 63 of the 117 priority pollutants designated by the USEPA, including quantifiable levels of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD). Dioxin was also detected in soil samples at Site O. Site P is an Illinois EPA-permitted landfill known to have accepted hazardous waste residues in violation of their permit.

Eagle
Marine
Industries, Inc.

SUITE 1725 • 200 NORTH BROADWAY • ST. LOUIS, MISSOURI 63102-2716 • 314/421-1131

June 16, 1988

Mr. Frank L. Pellegrini
Suite 400, Chouteau Center
133 South Eleventh Street
St. Louis, Missouri 63102

Re: Riverport-Sauget Property

Dear Frank:

I am enclosing copies of correspondence along with a report made by the Illinois Environmental Protection Agency involving our property along with a number of other sites in the Sauget area.

We should plan to meet soon to discuss the potential ramifications of this study.

Very truly yours,

Richard D. Burke
Executive Vice President

RDB:pal

Enclosure

Village of Sauget

*2897 Falling Springs Road
Sauget, Illinois 62206*

(618) 337-5267

February 15, 1989

Mr. Richard D. Burke
Eagle Marine Industries
200 North Broadway
St. Louis MO 63102

Dear Mr. Burke:

Re: Sauget Sites Steering Committee

There will be a meeting on February 27, 1989 at 1:00 p.m. at the Sauget Village Hall for a discussion of the status of the Ecology and Environment report published in mid-1988 and its potential implications for the area.

We encourage you to attend this important meeting, at which time possible future actions by the ad hoc committee formed in early 1988 will be discussed.

Please call Betty Wilson at 337-5267 to confirm your attendance.

Mayor Paul Sauget

ddm

cc: Betty Wilson, Village Clerk

DISTRIBUTION LIST:

Mr. Dave Adams, Ethyl Corporation
Mr. Steve Mueller, AMAX Zinc Company
Mr. Paul Tandler, Cerro Copper Products
Mr. Horace Drake, Midwest Rubber Company
Mr. Pete Gates, Mobil Oil (Fairfax, VA)
Mr. Ben Kemper, Mobil Oil (Sauget, IL)
Mr. Charles Jones, Phillips Petroleum
Mr. Jim Gary, Trade Waste Incineration
Mr. Bud Haney, Clayton Chemical Company
~~Mr. Richard Burke, Eagle Marine Industries~~
Mr. Keith Rhodes, Cahokia Marine Company
Mr. Bob Clarkson, Mineweld, Inc.
Mr. Mark Brekhus, Kerr-McGee Chemicals
Mr. Tom Siedhoff, Union Electric Company
Plant Manager, Pillsbury Company

cc: D. G. Bartolanzo, Monsanto - G4WF
H. G. Baker, Village Attorney
W. J. Boyle, Monsanto - WGK
M. R. Foresman, Monsanto - G4WT
V. T. Matteucci, Monsanto - G5NR
M. A. Pierle, Monsanto - G4WT
F. M. Regula, Monsanto - WGK
P. Sauget, Mayor of Sauget
G. R. Schillinger, American Bottoms
S. D. Smith, Monsanto - WGK

LAW OFFICES
FRANK L. PELLEGRINI
A PROFESSIONAL CORPORATION
SUITE 400
CHOUTEAU CENTER
133 SOUTH ELEVENTH STREET
ST. LOUIS, MISSOURI 63102

FRANK L. PELLEGRINI
JULIE A. EMMERICH

TELEPHONE (314) 241-7445
FAX (314) 241-7449

216317100 DT - H. H. H.
Sauget Municipal - Jim
Superfund/Camp

July 16, 1990

Mr. James L. Morgan
Assistant Attorney General
Environmental Control Division
Attorney General
State of Illinois
Springfield, Illinois 62706

Re: Sauget Sites Area II --
EPA Interim Municipal Settlement Policy

Dear Jim:

Enclosed please find a copy of the EPA Interim Municipal Settlement Policy. During our meeting on July 6, 1990, we discussed the policy of EPA in refraining from involving municipalities and municipal wastes in the Superfund settlement process. We indicated that we would provide you with a copy of the policy.

As you can see, the policy indicates that it is the position of EPA to refrain from naming municipalities as PRPs and from requiring the cleanup of municipal landfills if the source of the municipal waste is believed to come from households, unless unusual circumstances are present. The policy is one promulgated by U.S. EPA; however, IEPA would seem to be required to follow a course of action consistent with U.S. EPA policy.

It is our understanding that your office and IEPA are currently considering the "Addendum to the Work Plan for the Rivers Edge Landfill (Site R) for Remedial Investigation/Feasibility Study" submitted by Geraghty & Miller, Inc. We are awaiting your response to that proposal and hope that you will

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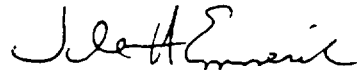
IEPA/DLPC

July 16, 1990

Mr. James L. Morgan
Assistant Attorney General
Page -2-

consider this policy in making that determination. If you have any questions, please do not hesitate to call.

Sincerely yours,



Julie A. Emmerich

JAE/db

Enclosure

cc: Paul Takacs
Project Manager
Division of Land Pollution Control
Illinois EPA
2200 Churchill Road
Springfield, Illinois 62706

Richard D. Burke
Executive Vice President
Eagle Marine Industries, Inc.
200 North Broadway, Suite 1725
St. Louis, Missouri 63102

Milton Greenfield, Jr.
Attorney and Counselor at Law
7751 Carondelet, Suite 500
St. Louis, Missouri 63105

EPA INTERIM MUNICIPAL SETTLEMENT POLICY

(Published at 54 FR 51071, December 12, 1989)

I. Effective Date of Interim Policy and Role of Public Comment

This interim policy is effective immediately. However, the Agency emphasizes that this is an interim policy and that there is an important role for public comment. We are providing the public within 60 days to review and submit comments in writing. Based upon public comment or on our experience in implementing the interim policy, the Agency may address additional issues or revise the interim policy accordingly.

II. Purpose of Interim Policy

The primary purpose of this interim policy is to provide interim guidance to EPA Regional offices on how they should exercise their enforcement discretion in dealing with municipalities and municipal wastes in the Superfund settlement process. An additional purpose is to provide municipalities and private parties who may be potentially liable under section 107(a) of CERCLA with information about how EPA will handle them in the settlement process. We believe this interim policy is important for establishing a national framework that will help facilitate our ability to reach settlements and will ensure that sites involving municipalities or municipal wastes are addressed consistently throughout the country.

III. Focus of Interim Policy

The interim policy focuses on how EPA will proceed in attempting to reach settlements at sites involving municipalities or municipal wastes. Focusing on settlements means the interim policy indicates how EPA will attempt to reach voluntary agreements for responsible party financing and/or cleanup of sites involving municipalities or municipal wastes. Nothing in

the interim policy affects any party's potential legal liability under CERCLA. Any decision EPA makes in exercising its enforcement discretion under this interim policy does not mean that potential CERCLA legal liability no longer applies. In particular, nothing in the interim policy precludes a third party from initiating a contribution action.

Focusing on settlements involving municipalities or municipal wastes means that the primary intent of the interim policy is to address questions about how EPA should handle municipalities or municipal wastes in the Superfund settlement process. However, in the process of addressing those questions we found it necessary to address other issues relating to private parties and certain kinds of commercial, institutional, or industrial wastes. We have addressed these related issues because private parties sometimes handle municipal wastes, private parties generate some wastes streams that are similar in nature to municipal wastes, and municipal and industrial wastes are sometimes co-disposed at the same site (particularly municipal landfills).

Specific questions that have been examined by EPA as part of this interim policy relate to who should be included in the information gathering process, who should be notified as potentially responsible parties, how municipalities should be handled in the settlement process, and how the treatment of municipalities and municipal wastes affects the Agency's treatment of private parties and certain kinds of commercial, institutional, or industrial wastes.

IV. Why Settlement Involving Municipalities or Municipal Wastes Is An Issue

Involving municipalities and municipal wastes in the Superfund settlement pro-

cess is an issue because questions have been raised about how such parties and wastes should be treated in the settlement process. Until the development of this interim policy, EPA had not addressed these questions from a national perspective. This issue is important because there are a significant number of proposed and final sites on the National Priorities List (NPL) that involve municipalities or municipal wastes, and EPA expects more of these sites to be added to the NPL in the future.

EPA has identified 320 (about 25%) of the 1219 proposed and final NPL sites that may involve municipalities or municipal wastes. Of those sites, 236 (about 20%) have been classified as municipal landfills. EPA defines a municipal landfill as any landfill, either publicly or privately owned, which has received municipal, solid waste. Although it is difficult to accurately predict how many of those sites involving municipalities or municipal wastes may be added to the NPL, historically about 20% of each NPL update has included municipal landfills. Municipal landfills are particularly complex sites to address because they typically involve multiple responsible parties (sometimes hundreds of different parties), multiple sources of wastes (often municipal and industrial wastes), as well as diverse waste streams (in terms of amount and toxicity).

V. Discussion of Interim Policy

In the development of this interim policy, EPA has examined a variety of issues and options for addressing these issues. We have also made an effort to provide meaningful opportunities for interested parties to participate in the debate about municipal settlements. EPA has listened to all sides of the debate and has attempt-

process or activity, the generator/transporter generally will not be notified as a potentially responsible party by EPA and brought into the Superfund settlement process.

In carrying out this approach, EPA is exercising its enforcement discretion in determining whether we will treat generator/transporters as potentially responsible parties for certain categories of wastes. EPA believes this approach is fair and manageable. For example, this approach treats municipalities and private parties that handle the same waste streams in the same manner (e.g., municipal generators/transporters of municipal solid waste are treated the same as private party generators/transporters of such waste.)

This approach also treats different waste streams in a logical and consistent manner. A key factor in determining whether to notify generators/transporters of municipal solid waste, sewage sludge, trash from a commercial, institutional, or industrial entity, or low-hazardous industrial wastes is tied to whether a hazardous substance is present that is derived from a commercial, institutional, or industrial process or activity.

Finally, this approach is one that can be effectively managed and implemented by EPA's Regional offices. For example, based on our experiences at Superfund sites, especially municipal landfills, we believe that it is generally not a cost-effective use of our enforcement resources to pursue those generators/transporters whose only contribution at a Superfund site appears to have been substances that may have been contaminated only with relatively small quantities of household hazardous waste (e.g., municipal solid waste). The resource-intensive nature of obtaining sufficient evidence to demonstrate the presence of household hazardous waste as well as the potentially increased transaction cost of settlement and/or litigation far outweigh the possible benefit the Government may derive from obtaining cleanup costs from such parties. The Agency believes that its enforcement resources are better spent on pursuing other potentially responsible parties to achieve the cleanups needed to effectively implement the Superfund program and to protect human health and the environment.

3. *Role of municipalities in the settlement process.* There are also different

views on the appropriate treatment of municipalities vis-a-vis private parties in the settlement process (i.e., whether municipalities should receive "special treatment" because they are governmental entities). Municipalities generally believe they should be treated differently than private potentially responsible parties while industry generally believes they should not.

EPA believes that municipalities and private parties should generally be handled in the same manner in the settlement process. Handling municipalities and private parties the same means that EPA will seek information in appropriate circumstances from all parties, including municipalities. This also means that all parties who are owners/operators of facilities will generally be notified as potentially responsible parties.

Relating to municipal solid waste or sewage sludge, all parties who are generators/transporters (either municipalities or private parties) are generally exempt from notification unless we obtain site-specific information that the waste contains a hazardous substance from a commercial, institutional, or industrial activity or process. In instances relating to notification as a potentially responsible party, we focus on the nature/source of the waste, not whether the party is a municipality or private party.

The interim policy also handles municipalities and private parties essentially in the same manner once they are notified as potentially responsible parties by attempting to negotiate and settle with such parties as one group, unless separate settlements such as *de minimis* settlements pursuant to section 122(g) of CERCLA are appropriate. Nevertheless, EPA does recognize that municipalities have unique characteristics as governmental entities which EPA may take into account when designing specific settlements (e.g., by considering delayed payments, delayed payment schedules, or in-kind contributions under appropriate circumstances).

Dated: December 6, 1980.

Don R. Clay,

Assistant Administrator, Office of Solid Waste and Emergency Response.

Memorandum

Subject: Interim Policy of CERCLA Settlements Involving Municipalities or Municipal Wastes

From: Don R. Clay, Assistant Administrator
To: Regional Administrators, Regions I—X

I. Introduction

(A) *Focus of Interim Policy*

This memorandum establishes EPA's interim policy on settlements involving municipalities or municipal wastes under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). In particular, this interim policy indicates how EPA will exercise its enforcement discretion when pursuing settlements which involve municipalities or municipal wastes.¹ The municipal wastes addressed by this interim policy are municipal solid waste (MSW) and sewage sludge as defined below. This interim policy has been developed to provide a consistent Agency-wide approach for addressing municipalities and municipal wastes in the Superfund settlement process.

Although this interim policy focuses on municipalities and municipal wastes, it addresses how private parties and certain kinds of commercial, institutional, or industrial wastes will be handled in the settlement process as well. It is important to address private parties and certain kinds of commercial, institutional, or industrial wastes in this interim policy because private parties sometimes handle municipal wastes or wastes of a similar nature and because municipal and private party waste streams are sometimes co-disposed at sites, particularly municipal landfills. The kinds of commercial, institutional, or industrial wastes covered by this interim policy include "trash from a commercial, institutional, or industrial entity" and "low-hazardous industrial wastes" as defined below.

There are three fundamental issues addressed by this interim policy. First is whether to notify generators/transporters of MSW or sewage sludge that they are considered to be potentially responsible parties (PRPs) and to include them in the

¹ This interim policy does not provide an exemption from potential CERCLA liability for any party; potential liability continues to apply in all situations covered under section 107 of CERCLA.

possessed by such person, by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances. [commonly referred to as "generators"].

4. Any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities, incineration vessels, or sites selected by such person (commonly referred to as "transporters").

Section 107(a) describes liable parties as "persons" and the definition of "person" under Section 101(21) includes municipalities and political subdivisions of a State. Municipalities may, therefore, be PRPs as part of CERCLA's broad definition of who is potentially liable.

(B) Municipal Wastes as Potential CERCLA Hazardous Substances

Similarly, the statute does not provide an exemption from liability for municipal wastes. Municipal wastes may be considered hazardous substances if they are covered under the definition of hazardous substances in section 101(14) of CERCLA. As indicated under the definitions of MSW and sewage sludge, these municipal wastes are generally characterized by large volumes of non-hazardous substances and may contain small quantities of household hazardous or other wastes, although the actual composition of the waste streams vary considerably at individual sites. To the extent municipal wastes contain a hazardous substance that is covered under section 101(14) of CERCLA and there is a release or threatened release, such municipal wastes may fall within the CERCLA liability framework.

III. Information Gathering

The Regions should include all municipal and private party owners/operators and generators/transporters in the information gathering process, including the generators/transporters of municipal wastes. This means

¹ Persons who fall into this category are commonly referred to as "generators," although liability under this section extends beyond "true generators" of hazardous substances to include persons who arranged for the disposal or treatment of hazardous substances owned or possessed by such party or another party. The term "generator" is used throughout this document to refer to any party who is potentially liable under section 107(a)(93).

that municipal owners/operators as well as municipal generators/transporters should generally receive section 104(e) information request letters and should otherwise be fully included in the information gathering process like private parties. Information obtained through such letters or through other means is important for determining (among other things) whether it is appropriate to notify a party as a PRP, including whether to notify a generator/transporter of MSW or sewage sludge as discussed below.²

IV. Notification of Potential Responsibility

(A) Owners/Operators

The same approach will be used for both municipalities and private parties when determining whether to notify them as owners/operators. Specifically, such parties will generally be notified where they were past owners or operators of facilities at the time of disposal of hazardous substances, or they are present owners or operators of facilities where hazardous substances have been released or there is a threatened release.

(B) Generators/Transporters

1. *Municipal solid waste.* Municipalities and private parties will be treated the same when determining whether to notify them as PRPs when they are generators/transporters of MSW. Specifically, such parties will not generally be notified unless:

* The Region obtains site-specific information that the MSW contains a hazardous substance;³ and

* The Regions may accept and consider credible site specific information from any party to supplement their own information gathering efforts as appropriate.

² The categories of wastes discussed below, i.e., relating to municipal solid waste, sewage sludge, trash from a commercial, institutional, or industrial entity, and low-hazardous industrial wastes, are defined in the "Introduction" to this interim policy (See I.B.).

³ The term "site-specific" information refers to information pertaining to a particular Superfund site. "Site-Specific" information does not generally include, for example, "general studies" conducted by EPA or other parties which draw general conclusions about whether MSW or sewage sludge typically contain a certain percentage of hazardous substances unless the "general study" includes "site-specific" information obtained from the PRP or superfund site in question. "General studies" may nonetheless be used to supplement "site-specific" information.

* The Region has reason to believe that the hazardous substance is derived from a commercial, institutional, or industrial process or activity.

This means that EPA will not generally notify municipalities or private parties who are generators/transporters of MSW if only household hazardous wastes (HHW) are present, unless the truly exceptional situation discussed below exists. The general policy of not notifying parties who are generators/transporters of HHW extends to "HHW collection day programs" as well.⁴

This also means that such parties may be notified as PRPs if the MSW contains hazardous substances from non-household sources. Non-household sources include, but are not limited to, small quantity generator (SQG) wastes from commercial or industrial processes or activities, or used oil or spent solvents from private or municipally-owned maintenance shops.

Notwithstanding the above general policy, there may be truly exceptional situations where EPA may consider notifying generators/transporters of MSW which contains a hazardous substance derived only from households. Such notification may be appropriate where the total contribution of commercial, institutional, and industrial hazardous waste by private parties to the site is insignificant when compared to the MSW.⁵ In this situation, the Regions should seriously consider notify-

⁴ The term "HHW collection day programs" refers to programs that have generally been sponsored by municipalities or community organizations whereby residents voluntarily remove their HHW from their household waste. The HHW is then typically disposed of in a RCRA Subtitle C hazardous waste facility and the household waste is typically disposed of in a RCRA subtitle D solid waste facility.

⁵ The Regions should consider both the volume and the toxicity of the commercial, institutional, and industrial hazardous waste when determining whether it is insignificant when compared to the MSW. In determining whether the volume is insignificant, the Regions should consider the total volume of such waste contributed by all private parties. In determining whether the toxicity is insignificant, the Regions should consider whether such waste is significantly more toxic than the MSW and whether such waste requires a disproportionately high treatment and disposal cost or requires a different or more costly remedial technique than that which otherwise would be technically adequate for the site.

3. *In-kind contributions.* The settlement could be structured to allow for an in-kind contribution, especially where a municipality can provide only a portion of its share of costs or is unable to provide a monetary payment. In-kind contributions may be made in conjunction with or in lieu of cash. Factors the Regions may use in considering the appropriateness of an in-kind contribution may include the overall financial health of the municipality, the amount of the municipality's share, the value of the in-kind contribution, and the effect of the in-kind contribution on the overall effort to achieve settlement.

One mechanism for allowing an in-kind contribution could be a "carve-out" order when, for example, the municipal PRP has

agreed to provide the operation and maintenance at the facility. Other in-kind contributions could include the use of trucks and equipment to carry out cleanup activities, the installation of fences and the provision of other security measures to control public access to the site, or the use of the municipality's sewage treatment plant.

(C) Contribution Protection

Nothing in this interim policy affects the rights of any party in seeking contribution from another party, unless such party has entered into a settlement with the United States or a State and obtained contribution protection pursuant to section 113(f) of CERCLA."

"Under section 113(f), where EPA determines that settlement is in the best interest of the Federal government, CERCLA provides contribution protection to the settling parties for matters covered by the settlement. This may include a party who has not been notified as a

VI. Disclaimer

This interim policy is intended solely for the guidance of EPA personnel. It is not intended and can not be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. The Agency reserves the right to act at variance with this policy and to change it at any time without public notice.

VII. For Further Information

For further information or questions about this interim policy, the Regions may contact Kathleen MacKinnon in the Office of Waste Programs Enforcement at FTS-475-9812. Inquiries by other persons should be directed to Ms. MacKinnon at 202-475-6771.

lish criteria for evaluating whether a particular site is good candidate for a structured settlement. EPA expects to issue this interim guidance in the Spring of 1990.

PRP by EPA but wishes to settle its potential CERCLA liability.



BROWNING-FERRIS INDUSTRIES

P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/870-7680

E. William Hutton
Attorney

March 23, 1990

MAR 27 1990

Bruce L. Carlson, Esq.
Technical Advisor
Enforcement Programs
Illinois Environmental
Protection Agency
P. O. Box 19276
Springfield, Illinois 62794-9276

Re: L1630200005-St. Clair County
Sauget Sites, Area 2

Dear Bruce:

This letter is written in response to your oral request of March 4, 1990 for additional information concerning the above site. This information is being provided in addition to that previously provided in the January 18, 1990 response of Browning-Ferris Industries of St. Louis, Inc. ("BFISTL") to the Agency's request for information. Your oral information request addressed four separate matters.

First, you requested that BFISTL reconcile the information contained in its January 18, 1990 response with previous information submitted in 1981 pursuant to Section 103 of CERCLA ("103 Notification"). Following a review of the circumstances surrounding the making of the 103 Notification, it was learned that the document was prepared by the corporate office in a generic fashion for each of the company's operating districts. In other words, corporate headquarters checked the boxes regarding waste characterization, and then sent the form to the operating district for the purpose of filling out the name, address and contact person only. The 103 Notification was then submitted to the appropriate governmental agencies. As a result, the 103 Notification does not represent the waste transported to any particular site but rather the types of waste which might be transported on a national level. You will note, however, that in addition to the boxes checked by the corporate office, the operating district has checked the "other" box and wrote the further notation "paint sludges". That notation was consistent with the statement of Bernard Grewe that paint sludges were transported to Sauget Sites, Area 2 from U.S. Paint.

12761

Second, you asked that BFISTL investigate further to identify additional information that might exist with respect to the disposal of waste materials at Sauget Sites, Area 2. This further investigation has been completed, and is presented in the form of the attached affidavits, representing the statements of various individuals who had personal knowledge of disposal practices at the site. You will note that this additional investigation has uncovered additional information and clarified information previously provided to the Agency. This is not unexpected given the fact that these individuals were asked to recollect events occurring approximately twenty years ago. You should consider the information contained in these affidavits as representing the best recollection of these events, and that statements contained in the affidavits supersede any other statements or representations made by these individuals.

Third, you requested information concerning the corporate history of BFISTL. BFISTL was incorporated on May 10, 1971 as WMI, Inc. Its name was changed to BFISTL on January 26, 1973. BFISTL is a Delaware corporation authorized to do business in Missouri and Illinois. Over the years, the company has grown in size through the acquisition of other disposal companies. These included C&E Hauling Company, Hilltop Hauling, Inc. and Waste-Pak Company (who in turn was the owner of Disposal Services Company). Affiants Jerry Loveless, Bernard Grewe, Kenneth Smith and James Wieberg were all employees of these companies (and subsequently BFISTL) during pertinent time periods. Ralph Hatchet was at all times an employee of BFISTL.

Pursuant to our gathering of additional information, we have also included the affidavit of Herman Hueffmeier, who was previously an employee of Hueffmeier Brothers, Inc. ("Hueffmeier"). Certain assets of Hueffmeier were purchased for cash by BFISTL on January 1, 1976 (subsequent to the closing of Sauget Area 2) from the Macke Company, which was the sole stockholder of Hueffmeier. The Macke Company is based in Cheverly, Maryland. Those assets included motor vehicles and material handling equipment, the facility telephone number, customer contracts, accounts receivable, fuel inventories and other vehicle parts, and real property. BFISTL did not accept any claims or liabilities which arose during or related to the period of time prior to this transaction, and specifically obtained an indemnity from Macke with respect to such claims and demands. Moreover, upon taking possession of these assets, BFISTL acted in the reasonable course of business to paint the vehicles and other equipment so as to identify these as belonging to BFISTL. Finally, none of the principals or officers of Macke continued in a similar capacity with BFISTL. As a result, the Macke Company is the correct corporate entity with respect to transportation and disposal activities at Sauget Area 2 by Hueffmeier.

Fourth, you asked whether written records concerning the disposal of waste materials at Sauget Sites, Area 2 were available. Our further investigation revealed that these records were destroyed in 1986. Please see the affidavit of Adrian G. Andrzejewski.

I trust that this letter and the attached materials adequately respond to your oral request for additional information. Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

E. William Hutton
E. William Hutton

EWH/ta

Enclosures

cc: Bruce L. Jernigan
Gwen S. Walsh

AFFIDAVIT OF JAMES WIEBERG

I, JAMES WIEBERG, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at Route 1, Box 30C, Robertsville, Missouri. I am currently employed as a landfill laborer by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a driver by Hilltop Hauling, Inc. on July 16, 1967.

3. I drove a rear-end loader truck for Hilltop Hauling. My routes were residential and commercial and included customers such as private residences, restaurants and grocery stores in the Crestwood area of St. Louis, Missouri.

4. The waste was normally taken to landfills other than the Sauget Landfill, Area II.

5. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois. I transported commercial waste to the Sauget Landfill, Area II, on not more than twelve occasions, using side-loader equipment.

6. While I cannot recall the customers due to the passage of time, I do recall taking this waste to the Sauget Landfill, Area II, during the very late 1960's.

7. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

James Wieberg
James Wieberg

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COM. EXPIRES 12/31/92
ST. LOUIS COUNTY

Sworn to and subscribed
before me this 22 day
of March, 1990.

Carolyn D. Lauer
Notary Public

AFFIDAVIT OF KENNETH SMITH

I, KENNETH SMITH, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at One Telluride Court, St. Peters, Missouri. I am currently employed as Shop Maintenance Supervisor by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a driver by C & E Hauling on November 22, 1970.

3. I drove roll-off equipment for C & E Hauling. My routes generally included customers in the southwestern portion of St. Louis, near Six Flags and Pacific, Missouri in South County. The waste emanating from these areas was taken to landfills other than the Sauget Landfill, Area II.

4. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois.

5. I previously stated that I used the Sauget Landfill, Area II, on approximately three occasions sometime in the late 1960's.

6. I previously stated that I hauled waste from Cooper, now Ethyl Petroleum, to the Sauget Landfill, Area II on these three occasions.

7. On March 12, 1990, I visited the Sauget Landfill, Area II, and upon a careful review of the area, I determined that this was not the area in which I hauled Cooper's waste to.

8. To the best of my recollection, I took Cooper's waste to the Sauget Landfill to an area north of Area II, and which is also known to me as the Monsanto Landfill.

9. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not


Kenneth Smith

Sworn to and subscribed
before me this 22 day
of March, 1990.


Notary Public

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 7, 1992
ST. LOUIS COUNTY

AFFIDAVIT OF RALPH HATCHET

I, RALPH HATCHET, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at 6914 Glenvale Court, St. Louis, Missouri. I am currently employed as an Operations Manager by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a driver by BFISTL in June, 1972.

3. I drove a side-loader for BFISTL. My routes generally were residential and I used landfills other than the Sauget Landfill, Area II, for disposal of this waste.

4. I began driving roll-off equipment sometime in 1972, and while I cannot recall all customers due to the passage of time, some of the customers on my route for which I was responsible for included J. Weaver, Container Corp., Inmont Corp., St. Mary's Hospital, Pepsi-Cola, Chase Bag, Nabisco, and National Vendors.

5. I recall hauling waste from J. Weaver to the Sauget Landfill, Area II, on only a few occasions.


6. J. Weaver's waste consisted primarily of metal shavings.

7. I hauled drums for National Vendors at 5661 Natural Bridge Road, St. Louis, Missouri, to the Sauget Landfill, Area II, on not more than two occasions. The drums

were full and I do not know what the material was comprised of.

8. The waste which I hauled for St. Mary's Hospital, Container Corp., Inmont Corp., Pepsi-Cola, Chase Bag, Nabisco, and Venture Department Stores was disposed at landfills other than the Sauget Landfill, Area II.

9. I stopped using the Sauget Landfill, Area II, sometime in 1972 due to its closure.

10. I hereby swear ^{to the best of my knowledge and belief} that the contents of this Affidavit are true and correct and are based on my personal knowledge. 

Further Affiant Sayeth Not


Ralph Hatchet

Sworn to and subscribed
before me this 22 day
of March, 1990.


Notary Public

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 7, 1992
ST. LOUIS COUNTY

AFFIDAVIT OF BERNARD GREWE

I, BERNARD GREWE, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at 5432 Carter Drive, House Springs, Missouri. I am currently employed as a sales representative by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a driver by Disposal Services Company ("DSC") on June 6, 1968.

3. I drove roll-off equipment for DSC. My routes generally included industrial customers.

4. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois. I used the Sauget Landfill, Area II, on a daily basis from the time of my employment with DSC until sometime in 1972 which is when I was promoted to a supervisory position within the offices of BFISTL.

5. While I cannot recall all customers due to the passage of time, I do recall hauling wastes from U.S. Paint, Dennis Chemical, Inmont Corp., Crown Cork & Seal, and The Barry Weinmiller Company which were taken to the Sauget Landfill, Area II.

6. I hauled drums from U.S. Paint to the Sauget Landfill, Area II. The wastes consisted primarily of paint sludge and pigments. I do not recall the frequency of the disposals.

7. I hauled drums from Dennis Chemical to the Sauget Landfill, Area II. The waste was liquid and I do not know what the material was comprised of, nor do I recall the frequency of the disposals.

8. I hauled drums from Inmont Corp. and Crown Cork & Seal to the Sauget Landfill, Area II. The waste was liquid and was comprised of a rubbery-type glue. I do not recall the frequency of the disposals.

9. I hauled construction debris from various downtown St. Louis locations, and for which I cannot recall specific customer names, to the Sauget Landfill, Area II. I do not recall the frequency of the disposals.

10. I recall that most of the trucks which I saw while I was dumping my loads at the Sauget Landfill, Area II, were Monsanto company vehicles and had the Monsanto name on the cabs. I also recall seeing Monsanto vehicles dumping drums at the Sauget Landfill, Area II.

11. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 7, 1990
ST. LOUIS COUNTY

Bernard A. Grewe, Jr.
Bernard Grewe

Sworn to and subscribed
before me this 22 day
of March, 1990.

Carolyn D. Lauer
Notary Public

AFFIDAVIT OF JERRY LOVELESS

I, JERRY LOVELESS, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at Route 5, Box 169, DeSoto, Missouri. I am currently employed as a Roll-off Driver by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as a helper by Hilltop Hauling, Inc. on February 2, 1962.

3. I was a helper for approximately six months and was then promoted to a driver.

4. I drove a side-loader for Hilltop Hauling, Inc. My routes generally were residential and I used the Lonedale Road Landfill for disposal of this waste.

5. I was drafted into the United States Army in 1964 and served for a period of two years. I resumed my employment at Hilltop Hauling, Inc. when I was released from the armed forces. My routes generally were residential and commercial at this time.

6. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois. I used the Sauget Landfill, Area II, sporadically from sometime in ~~1966~~¹⁹⁶⁸ until just before its closure.

7. Dumping occurred over an extensive area located approximately west of Illinois State Route 3 and due west of the railroad tracks and the Mississippi River was the landfill's western boundary. The area of the landfill which I dumped at was south of the Monsanto Landfill.

8. Sauget Landfill, Area II, was known to me as a landfill which would accept all types of waste.

9. While I cannot recall all customers due to the passage of time, I do recall hauling wastes from Monsanto's Idaho Street facility to the Sauget Landfill, Area II. The wastes contained water with a white, gritty substance and a combustible white powder which was thought to be quick lime.

10. I also hauled wastes from Street Industry in St. Louis to the Sauget Landfill, Area II. The wastes contained empty bottles which may have at one time contained antifreeze.

11. I also hauled commercial waste to the Sauget Landfill, Area II. The waste emanated from commercial customers such as restaurants and grocery stores in and near the City of St. Louis.

12. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

Jerry A. Loveless
Jerry Loveless

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COM. EXPIRES APR. 7, 1991
ST. LOUIS COUNTY

Sworn to and subscribed
before me this 22 day
of March, 1990.

Carolyn D. Lauer
Notary Public

AFFIDAVIT OF HERMAN HUEFFMEIER

I, HERMAN HUEFFMEIER, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at Route 2, Box 230, Marthasville, Missouri. Missouri. I am currently employed as driver by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as swing-shift driver by Hueffmeir Brothers Inc. on May 21, 1971.

3. I drove front-end loaders and roll-off equipment. My routes generally included customers such as factories and construction sites.

4. I am familiar with the Sauget Landfill, Area II, which is located in the southern portion of the City of Sauget, Illinois.

5. I used the Sauget Landfill, Area II, on an infrequent basis while filling in for sick or vacationing drivers.

7. The waste which I hauled to the Sauget Landfill, Area II, consisted primarily of paper, packing material and pallets which came from commercial locations such as restaurants and grocery stores.

8. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

Herman G. Hueffmeir
Herman Hueffmeir

Sworn to and subscribed
before me this 12 day
of march, 1990.

Carolyn D. Lauer
Notary Public

CAROLYN D. LAUER
NOTARY PUBLIC, STATE OF MISSOURI
MY COMMISSION EXPIRES JAN. 7, 1992
ST. LOUIS COUNTY

AFFIDAVIT OF ADRIAN G. ANDRZEJEWSKI

I, ADRIAN G. ANDRZEJEWSKI, BEING OF FULL AGE AND FIRST DULY SWORN ON OATH, DEPOSE AND STATE THE FOLLOWING:

1. I reside at 2048 Lost Meadow Drive., St. Charles, Missouri. I am currently employed as District Accounting Manager by Browning-Ferris Industries of St. Louis, Inc. ("BFISTL").

2. I was employed as Assistant Regional Controller by Browning-Ferris Industries of Tennessee, Inc. on February 24, 1986.

3. I am responsible for BFISTL's record retention program, whose guidelines are set forth by Browning-Ferris Industries, Inc. ("BFI") and is outlined in its Policy and Procedures Manual.

4. Sometime in September 1986, I arranged for the removal and destruction of company records which, pursuant to BFI policy, were eligible for destruction.

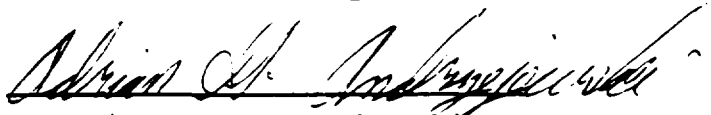
5. Generally, these company records were from vintage years starting in approximately 1940 and ending in approximately 1979.

6. I received guidance from BFI's legal department in regard to the destruction of these company records.

7. These company records were taken to the County Landfill, located off Lindbergh Highway and Page Avenue, in St. Louis, Missouri, for disposal sometime in September 1986.

8. I hereby swear that the contents of this Affidavit are true and correct and are based on my personal knowledge.

Further Affiant Sayeth Not

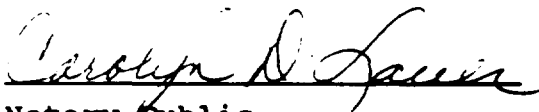


Adrian G. Andrzejewski

CAROLYN D. LAUER

NOTARY PUBLIC, STATE OF MISSOURI
MY COM. EXPIRES JAN. 7, 1992
ST. LOUIS COUNTY

Sworn to and subscribed
before me this 22 day
of March, 1990.



Notary Public

Sauget Sites Area II
SP / [Signature]
[Signature]

LAW OFFICES
FRANK L. PELLEGRINI
A PROFESSIONAL CORPORATION
SUITE 400
CHOUTEAU CENTER
133 SOUTH ELEVENTH STREET
ST. LOUIS, MISSOURI 63102

FRANK L. PELLEGRINI
JULIE A. EMMERICH

TELEPHONE (314) 241-7443
FAX (314) 241-7449

April 3, 1990

Mr. James L. Morgan
Assistant Attorney General
Environmental Control Division
Attorney General
State of Illinois
Springfield, Illinois 62706

Re: Sauget Sites Area II--Comments to Interim Consent Order and
De Minimis Partial Consent Decree

Dear Mr. Morgan:

This is in response to your request for comments to the draft Interim Consent Order for the performance of the RI/FS for Site Q and to the De Minimis Partial Consent Decree which you submitted to Frank Pellegrini for review. Our comments are general in nature and do not fully address every item with which we are in disagreement, meaning that our failure to object to a specific provision should not preclude us from later objecting to such provision once formal negotiations are commenced. It is my understanding that you are seeking our input to provide IEPA with an indication of the terms we wish to include in the final Consent Order for the performance of the RI/FS for Site Q.

To comment on the general framework of the Interim Consent Order, it does not seem structured to address the relationship of the parties to Site Q. All of the known and willing PRPs for Site Q at the time of the effective date of the Order should be made parties, with Eagle Marine Industries assuming the lead. It is important to afford Eagle Marine the latitude to maintain the lead, but permitting it to relinquish this role, if desired, should it enter into a De Minimis Consent Decree. The Order appears to be tailored to a situation wherein the "Defendant" is the only PRP, i.e., V.B. requires "Defendant" to remediate any release or threatened release at or from the Site. That provision is not appropriate where, as here, there are several PRPs. While it may be advisable to have Eagle Marine as the lead, to serve as a representative for the PRPs as a collective group, Eagle Marine is not willing to assume any liability for

April 3, 1990

Mr. James L. Morgan
Assistant Attorney General
State of Illinois
Page -2-

the group. The references to "Defendant" in the Order will have to be adapted to reflect this relationship.

Addressing specific provisions, most noticeable is the absence of certain basic protective provisions. It is important to include a procedure for the identification of additional PRPs by both IEPA and other PRPs, requiring IEPA input and further providing that response costs may be recovered from non-cooperative and non-participating PRPs. It is also necessary to include a provision that this Consent Order is inadmissible as evidence in any court proceeding. In some sections IEPA has imposed time restrictions for responding and providing information, whereas in others it has not. For example, in Paragraph X(A), Certification and Termination, it is necessary to put a time limit, such as 30 days, within which Plaintiff must notify Defendants of what needs to be done to complete the required work. We would also insist on a provision requiring that IEPA make available, upon request, all information and documentation regarding the Site subsequent to the commencement of the RI/FS. We would also like to designate an individual to serve as Defendants' Executive, for purposes of receiving all reports and comments and general representation of Defendants in addition to the Project Coordinator. Also, in Paragraph XVII(E), we should be given the option to have an Alternate Project Coordinator present in the event the designated Project Coordinator is unavailable for whatever reason. Under Paragraph IX, we would like to see a provision for conferral prior to the requirement by Plaintiff of additional work. A provision is necessary stating that penalties do not run during the dispute resolution phase. Under Paragraph XVIII(E), Dispute Resolution, Defendants should be given a notice of when a 30 day period begins to run. Also, the 90 day period for the State is excessive and seems rather arbitrary. Finally, in Subpart (B)(F) of that paragraph, we simply cannot agree to the accrual of penalties during the challenge to stipulated penalties.

Other provisions are too restrictive and need to be amended to impose good faith efforts by IEPA. Otherwise, the whims of personnel involved can dictate whether the RI/FS is given a fair opportunity to be carried out. For example, Paragraph V(E)(6) permits IEPA to reject the RI/FS for any reason and requires Defendants to incorporate all of IEPA's modifications, even those

April 3, 1990

Mr. James L. Morgan
Assistant Attorney General
State of Illinois
Page -3-

that may be unreasonable. Similarly, Paragraph VI(C) requires incorporation of all of IEPA's modifications. In a complex RI/FS such as this, a requirement of good faith and reasonableness needs to be imposed to prevent impasse on minor items. Under Paragraph VII, Remedies Selection, we would like to see included a provision to the effect that, in selecting a remedy, factors such as cost effectiveness must be considered.

Some provisions merely need refinement. For example, Paragraph IX(C) is duplicative of the guidelines contained in USEPA Document QAMS-005-80 and seems unnecessary. Similarly, Paragraph X(B), beginning with "if the Plaintiff . . ." is in large part a repetition of Paragraph X(A). Moreover, in Paragraph IX(C)(3), we would insist that IEPA absorb the cost for requiring laboratories to analyze additional samples. Also, Paragraph VIII(A), Access, allows only 30 days for Defendants to obtain access to the Site; more time may be required given the nature of the Site. With respect to that provision, we would also add a provision requiring IEPA to use reasonable authority to assist Defendants in obtaining access to the Site. Under Paragraph IX(B), we would add a requirement that Plaintiff provide reasonable notice prior to inspecting the premises. The confidentiality provisions of Paragraph VIII(C) should be incorporated by reference here. In Paragraph XIV, Force Majeure, we would add a specification of what may constitute a force majeure, i.e., fire, flood, compliance with a governmental directive or order, etc. Also, Defendants should be required to report circumstances which Defendants have "reason to believe has caused or may cause a violation of the Order." To amend Paragraph XIV(C), the parties should be given the opportunity to extend performance themselves, rather than requiring the court to make that determination. The \$50,000.00 security agreement deposit and maintenance of \$50,000.00 limit of Paragraph XV is excessive and unnecessary. We propose to delete that entire section which requires a security deposit. Paragraph XVII(A) gives the On-Scene Coordinator too much authority to require extra work to be performed. Some degree of input from Defendants should be permitted.

As I prefaced, these comments are general in nature and do not address all of the problem areas. I hope this gives you an indication of our position regarding the specific terms of a

April 3, 1990

Mr. James L. Morgan
Assistant Attorney General
State of Illinois
Page -4-

Consent Order. We are certainly willing to negotiate on all items and are prepared to do that once formal negotiations are commenced.

You also requested comments regarding the draft De Minimis Consent Decree which you submitted to Frank Pellegrini. Having reviewed the De Minimis Decree, it does not appear to serve as a suitable model for any De Minimis Decree to which we would eventually agree. While your draft does have certain standard provisions, such as a covenant not to sue, and denial of liability, the fact situation upon which it is based is not similar to the situation at Site Q, and we feel it necessary to tailor the De Minimis Decree to our specific circumstances. Therefore, we are reserving more extensive comments regarding the possible De Minimis Consent Decree for a later time. If you are able to locate a De Minimis Consent Decree which more parallels our fact situation, please forward it to this office, and we will provide comments. In the meantime, if you have any questions, please do not hesitate to call.

Sincerely yours,



Julie A. Emmerich

JAE/db

cc: Richard D. Burke
Robert Schreiber
Richard L. Waters
Milton Greenfield, Jr.

Paul Taracs

BRYAN, CAVE, McPHEETERS & McROBERTS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

29 QUEEN ANNES GATE
LONDON SW1H 9BU
44-1-222-0511
TELEX 284001 BCMM G

POST OFFICE BOX 20883
RIYADH 11465 SAUDI ARABIA
966-1-465-1371
TELEX 928-403093 INTLAW SJ

POST OFFICE BOX 6750
DEIRA, DUBAI, U.A.E.
971-4-283194
TELEX 988-47216 USLAW EM

500 NORTH BROADWAY
ST. LOUIS, MISSOURI 63102-2186

(314) 231-8600

TELEX 4312030 BCMM STL

TELECOPIER: (314) 231-5817

1015 FIFTEENTH STREET N.W.
WASHINGTON D.C. 20005-2689
202) 289-8100
TELEX 440321 BCMM UI

3100 CROCKER CENTER
333 SOUTH GRAND AVENUE
LOS ANGELES, CALIFORNIA 90071-3171
(213) 628-8000
TELEX 4720314 BCMM USA

380 PARK AVENUE
NEW YORK, NEW YORK 10022-6022
(212) 688-1199
TELEX 428757 BCMM NYK

GREAT AMERICAN TOWER
3200 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85012-2415
(602) 230-7000

February 27, 1990

ROBERT H. McROBERTS, JR.

Mr. William C. Child, Manager
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

Dear Mr. Child:

I enclose affidavit and attachments.

While I have attached copies of two agreements referring to easements, I have not attached copies of easement agreements as such.

I found no records for the earlier years of the Cahokia Trust and assume that they were destroyed.

Based upon the enclosed affidavit, would you please confirm that the trust and my father as trustee have been removed from the list of potentially responsible parties regarding the "Area II" sites in St. Clair County, Illinois.

Very truly yours,

R. H. McRoberts, Jr.

RHMcR,Jr/sas

Enclosures

RECEIVED

IEPA/DLPC

AFFIDAVIT

Mr. William C. Child's letter dated February 1, 1990 to "Robert H. McRoberts, Trustee" was directed to me. My father was a trustee of a trust known as "Cahokia Trust". It is my understanding that this was a "liquidating Trust" and that the sole purpose of the trust was to dispose of real property held in the trust. Our records show that the assets of the trust were distributed and the trust terminated on December 26, 1988.

My father died June 1, 1989.

Items 1 through 7 on page 3 of Mr. Child's letter are inapplicable.

In response to Item 8 on page 3 of Mr. Child's letter, I have attached copies of all "transactions and/or agreements" called for which are contained in our files.

Mr. McRoberts, Jr.

R. H. McRoberts, Jr.

I certify that the information set out above is true and accurate to the best of my knowledge and belief.

I certify that the documents attached hereto are true and authentic to the best of my knowledge and belief.

Mr. McRoberts, Jr.

R. H. McRoberts, Jr.

Subscribed and sworn to before me this 27th day of February, 1990.

Sandra A. Solomon
Notary Public

My Commission Expires:

**SANDRA A. SOLOMON
NOTARY PUBLIC-STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES ON 3-7-93**

CONFIDENTIAL MEMORANDUM

DATE: January 29, 1990
TO: Paul Takacs, RPMS/DLPC
FROM: Bruce Carlson, Enforcement Programs *B.C.*
SUBJECT: Addresses for Third Round of Information Request Letters to Sauget Sites PRPs

In follow-up to our meeting on January 26, 1990, the following addresses should be used for the PRPs that were selected for the next round of information request letters. All of these PRPs pertain to Area II of the Sauget Sites.

Donald Elsaesser, Trustee
c/o Don C. Elsaesser Cahokia Trust
1718 Warson Estates Drive
St. Louis, Missouri 63124

Russell P. Richardson, Trustee
400 Southwind Drive
Belleville, Illinois 62221

Robert H. McRoberts, Trustee
Bryan, Cave, McPheeters & McRoberts
500 North Broadway
St. Louis, Missouri 63102-2186

For each of the three persons listed above, include the following lines in the letter just below the address:

Re: Trust under Deed dated December 26, 1928 recorded in Book 723, Page 371 of the St. Clair County Records, extended and modified December 17, 1968 and recorded as Document Number A303205 in Book 2155, Page 25-54 of the St. Clair County Records.

The corporate addresses for the remaining information request letters are:

CT Corporation System
Registered Agent for
Ethyl Corporation
208 South LaSalle Street
Chicago, Illinois 60604-1135

B. C. Gottwald, President
Ethyl Corporation
330 South 4th Street
Richmond, Virginia 23219

CT Corporation System
Registered Agent for
Ethyl Petroleum Additives, Inc.
208 South LaSalle Street
Chicago, Illinois 60604-1135

B. B. Abrahamson, President
Ethyl Petroleum Additives, Inc.
4501 Lindell, Apt. 8G
St. Louis, Missouri 63108

Joseph C. Larem, Registered Agent
Rogers Cartage Company
10735 South Cicero Avenue
Oak Lawn, Illinois 60453-5400

Robert P. Johnson, President
Rogers Cartage Company
9150 South Damen Avenue
Chicago, Illinois 60620

Prentice Hall Corporation
Registered Agency for
Mobil Oil Corporation
33 North LaSalle Street
Chicago, Illinois 60602-2607

R. F. Tucker, President
Mobil Oil Corporation
150 East 42nd Street
New York, New York 10017

Note: The corporate name of Edwin Cooper, Inc. was changed to Ethyl Petroleum Additives, Inc. as of August 13, 1984. As to Notre Dame Fleeting & Towing Service, Inc., its corporate name was changed to Eagle Marine Industries, Inc. as of December 13, 1973. A previous information request letter has been sent to Eagle Marine Industries, Inc.

cc: James Morgan
Christine Zeman



BROWNING-FERRIS INDUSTRIES

P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/870-7680

E. William Hutton
Attorney

VIA FEDERAL EXPRESS
December 26, 1989

William C. Child, Manager
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

RE: Sauget Sites, Area II
L1630200005 - St. Clair County

Dear Mr. Child:

I am responding on behalf of Browning-Ferris Industries of St. Louis, Inc. ("BFI") to the Section 4(q) notice which was received on December 20, 1989. BFI, to the extent that it is a potentially responsible party ("PRP") at this site, and without waiving any right or defense, is willing to participate with other PRPs to conduct the remedial investigation, feasibility study and remedial action necessary at such site.

A representative of BFI has made contact with the IEPA Remedial Project Manager, Paul Takacs, to obtain information in regard to the PRP Committee and, specifically, the name, phone number and address of its chairperson. As soon as Mr. Takacs provides BFI with this information, contact will be made with the PRP Chairperson and BFI will express its willingness to participate with other PRPs to the extent that it is a responsible party.

BFI will be submitting its response to the request for information on or before January 18, 1990. Please address all future correspondence dealing with this matter to the undersigned in care of Browning-Ferris Services, Inc.

Sincerely,



E. William Hutton
Counsel for Browning-Ferris Industries
of St. Louis, Inc.

EWH/ps
xc: Mr. Bruce L. Jernigan
Ms. Gwen S. Walsh
File

RECEIVED

DEC 28 1989

IEPA/DLPC

**BROWNING-FERRIS INDUSTRIES**

P.O. BOX 3151 • HOUSTON, TEXAS 77253 • 713/870-7680

E. William Hutton
Attorney

January 18, 1990

FEDERAL EXPRESSWilliam C. Child
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Springfield, Illinois 62794-9276RE: Sauget Sites, Area 2
L1630200005 - St. Clair County

RECEIVED

JAN 19 1990

IEPA/DLPC

Dear Mr. Child:

Browning-Ferris Industries of St. Louis, Inc. ("BFI") received a letter from William C. Child, Manager, Division of Land Pollution Control, Illinois Environmental Protection Agency on December 20, 1989, requesting information regarding the above-referenced site pursuant to Section 104(e) of CERCLA 42 U.S.C. 9604, Section 3007 of RCRA, 42 U.S.C. 6927 and Section 4 of the Environmental Protection Act, Illinois Revised Statute, Chapter 111 1/2, Paragraph 1004. This response to the request for information is submitted on behalf of BFI.

1. Copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the above-referenced Area.

After a diligent search of all available documents, Respondent has been unable to locate shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials at the Sauget Landfill.

Based upon employee interviews, Respondent has determined that it transported waste to the Sauget Landfill Area 2. Most of the waste transported was generated by commercial and residential customers. The industrial waste which was transported to the site was done on an irregular basis during the mid to late 1960's and early 1970's. Due to the passage of time, the employees' recollection of specificities in regard to transportation, volume and chemical composition of the industrial waste material are unclear. Some of the facts that could be recalled by these employees are indicated below. Any contact with these individuals should be arranged through me.

Jerry Lovelace, an employee of Respondent, recalls transporting waste from Monsanto's Idaho Street facility in 10-yard containers to Area 2. The waste was a white, gritty-like substance and was water based. This employee was unable to recall the industrial process for which this material was a waste by-product. In addition, he recalled transporting quick lime in a white powder form from Monsanto's facility to the Sauget Landfill Area 2.

Bernard Grewe, an employee of Respondent, recalls transporting barrels of liquid and sludge material to Sauget Landfill Area 2. He could recall transporting paint sludge and pigments for U.S. Paint, an unknown liquid for Dennis Chemical, rubber-type glues for Immont Corp. and Crown Cork and Seal, and barrels of an unknown material for Barry Weimiller Steel Fabrication. Due to the passage of time, Mr. Grewe was unable to recall with specificity the volume of these waste materials, but thinks that he may have been transported to the Sauget Landfill Area 2 on an almost daily basis.

Kenneth Smith, an employee of Respondent, recalls transporting approximately three loads of waste material to Sauget Landfill Area 2 from Cooper, now known as Ethyl Petroleum. The material was of a honey-like consistency and it had granules in it.

Ralph Hatchet, an employee of Respondent, recalls transporting waste for J. Weaver which contained metal shavings. In addition, he transported commercial waste from Venture Department Stores and empty oil cans from Container Corp. to Sauget Landfill.

James Wieberg, an employee of Respondent, recalls transporting residential and commercial waste to the Sauget Landfill Area 2 for the city of Crestwood, Missouri.

2. A detailed description of the generic, common and/or trade names and the chemical composition and character (i.e., liquid, solid, sludge) of the material offered by you for transportation to, storage and/or disposal at the above referenced Area.

Other than the information which has been provided in Respondent's Answer to Question 1, information in regard to the generic, common and/or trade names of the waste material and the chemical composition of such material is unknown.

3. For each waste material or substance identified above please give the total volume (gallons for liquids and sludges and cubic yards for solids) which you transported to, stored or disposed of at the above-referenced Area, and list when transportation storage or disposal occurred. Also, describe as accurately as possible the precise location where said activities took place.

Other than the information which has been provided in Respondent's Answer to Question 1, information in regard to the total volume of each waste stream or the date of transportation is unknown.

Each employee was shown the map of the Sauget Landfill Areas 1 and 2 and which was provided to Respondent in Illinois EPA's Request for Information. Each employee said that the map was unclear and that it was not possible to indicate precisely where site activities took place.

4. A description of arrangements that were made for transportation of your waste materials or substances to the above-referenced Area, including method(s) of transportation used (i.e., tankers, dump trucks, drums).

Not applicable.

5. The names of the transporter(s) of your waste materials or substances, including the former and current address of the transporter(s).

Not applicable.

6. Copies of all records, including analytical results and material safety data sheets, which indicate the chemical composition and/or chemical character of waste material(s) transported to, stored or disposed of at the above-referenced Area.

After a diligent search of all available documents, Respondent has been unable to locate analytical results or material safety data sheets which would indicate the chemical composition or character of the waste material transported to Sauget Landfill Area 2.

7. A list and description of any and all liability insurance that is and was carried by you, including but not limited to any self-insurance provisions, which relate to waste materials or substances and the above-referenced Area. Include copies of all such insurance policies.

See attached as Exhibit A a list of insurance carriers that may have issued insurance policies and which may provide coverage to Respondent.

8. Evidence of transactions and/or agreements made between yourself and owners of property within the above-referenced Area during the period of disposal.

After a diligent search of all available documents, Respondent has been unable to locate any documents indicating any transactions or agreements made between Respondent and the owners of the property on which the Sauget Landfill is located.

The information provided herein is as complete and accurate as possible at this time. BFI will voluntarily submit to Illinois EPA any additional information which comes to its attention that supplements or modifies any of its responses to this Request for Information.

Please direct all future correspondence and questions concerning this information response and the Sauget Sites, Area 2, to the undersigned at Browning-Ferris Services, Inc., P.O. Box 3151, Houston, Texas 77253, 713/870-7680.

Sincerely,

A handwritten signature in cursive script that reads "E. William Hutton".

E. William Hutton
Counsel for Browning-Ferris
Industries of St. Louis, Inc.

cc: Mr. Bruce Lee Jernigan
Ms. Gwen S. Walsh
File

KIRKLAND & ELLIS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Denver Office
1999 Broadway
Denver, Colorado 80202
303 291-3000

200 East Randolph Drive
Chicago, Illinois 60601
Telex 25-4361

312 861-2000

Washington Office
655 Fifteenth Street, N.W.
Washington, D.C. 20005
202 879-5000

To Call Writer Direct
312 861- 2302

December 2, 1989

VIA FEDERAL EXPRESS

Christine Zeman, Esq.
Assistant Attorney General
Office of Attorney General
Environmental Control Division
500 South Second Street
Springfield, Illinois 62706

Re: Sauget Sites -- Area II

Dear Ms. Zeman:

As a follow-up to our November 27, 1989 meeting in Springfield, Illinois, I enclose supplemental documents supporting the issuance of PRP notification letters and information requests to several additional PRPs.

First, enclosed is a copy of title search documentation reflecting the ownership of property apparently within the metes and bounds of Site Q, the Sauget landfill. These documents indicate that the following companies held title to parcels within Site Q during the relevant period of disposal at Site Q: Phillips Petroleum Company, Pillsbury Company, Patgood, Inc., Peavey Company, Con-Agra, Inc., Cahokia Trust, Donald C. Elsaesser, or Successor Trustee, Robert H. McRoberts, or Successor Trustee, Russell P. Richardson, or Successor Trustee, St. Louis Union Trust, River Port Fleeting, Inc., Notre Dame Fleeting and Towing Service, Inc., and Fred H. Leyhe.

Second, with respect to the involvement of Union Electric Company at Site Q, we would refer you to Section 2, Pages 58-64, of the August, 1988 report by Ecology & Environment, Inc., an Illinois EPA contractor. This report clearly indicates that Union Electric Company operated several fly ash ponds at Site Q during the relevant period of disposal at Site Q.

KIRKLAND & ELLIS

Ms. Christine Zeman, Esq.
December 2, 1989
Page Two

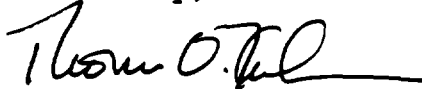
Third, our understanding is that Sterling Steel Casting Company is otherwise known as Sterling Steel Foundry, Inc. However, we further understand that the Sterling Steel entity sold or transferred certain assets used in the generation of hazardous waste to St. Louis Steel Foundry, Inc. in Sauget, Illinois.

Fourth, with respect to Site O -- Sauget Treatment Plant pits and lagoons, we identified the following additional PRPs that should be issued PRP notification letters and information requests: Mobil Oil Corporation, Ethyl Corporation, Goldfields American Corporation, Blue Tee Corporation, Russell Bliss, Rodgers Cartage, Wiese Planning & Engineering, Inc. and the Sauget Sanitary District Research Association ("SSDRA"). Our understanding is that each of these companies either discharged wastes to the pits and lagoons or operated the treatment plants. We understand that the SSDRA has custody or control of those documents which reflect the nature and volume of wastes discharged and disposed of by the above companies at Site O. We would suggest that you direct an information request to the SSDRA seeking this information, all of which should be publicly available. In the alternative, some of this information may be in the discharge monitoring reports filed regularly by the SSDRA with the Illinois EPA, Division of Water Pollution Control.

Finally, supplemental information regarding additional generator PRPs at Site Q may possibly be obtained by issuing an administrative deposition subpoena to the operator/owner of the Sauget landfill, Paul Sauget.

Should you have questions regarding the enclosure, please call me.

Sincerely,



Thomas O. Kuhns

Enclosure

SAS100R

PROPERTY DESCRIPTION

Subject property consists of two parcels of land located on the south side of Riverview Avenue and being part of the Third Subdivision of Cahokia Commons in St. Clair County, Illinois.

Parcel #1 is identified by St. Clair County as Parcel #01-27-400-015 and contains 164.67 acres. It has a total assessed valuation of \$27,950.

Parcel #2 is identified by St. Clair County as Parcel #01-34-100-006 and contains 63.33 acres. It has a total assessed valuation of \$10,710.

TRANSFER NUMBER 1

PARCEL NUMBER 01-27-400-015

Book/Page: Deed recorded in Book 2376, Page 854 through 847.

Date: The instrument was dated December 31, 1974 and filed for record January 30, 1975.

Grantor: Fred H. Leyhe and Louise K. Leyhe, his wife.

Grantee: River Port Fleeting, Inc.
Suite 1 252
Pierce Building
St. Louis, MO 63102

Remarks: Deed prepared by William H. Leyhe, III, Attorney
Suite 653, 7701 Forsyth
Clayton, MO 63105

TRANSFER NUMBER 2

PARCEL NUMBER 01-27-400-015 & PARCEL NUMBER 01-34-100-006

Parcel Number 01-27-400-015

Book/Page: Book 2344, Trustee's Deed Page 164 through 170, Mortgage Page 171 through 186.
Date: March 30, 1973.
Grantor: Donald C. Elsaesser, Robert H. McRoberts (Successor Trustee to Charles E. Richardson, deceased), and Russell P. Richardson, not individually but as Trustees under Deed dated December 26, 1928 recorded in Book 723, Page 371 of the St. Clair County Records, extended and modified December 17, 1968 and recorded as Document Number A303205 in Book 2155, Page 25-34 of the St. Clair County Records.
Grantee: Fred H. Leyhe.
Mortgage: Mortgagor - Fred H. Leyhe and Louise K. Leyhe, Mortgagee - Grantors. Loan amount \$1,526,430.00 with interest at 7% per annum payable in annual installments (14 at \$101,762, one at unpaid balance), last payment due and payable April 2, 1988.

Parcel Number 01-34-100-006

Book/Page: Book 2344, Trustee's Deed Page 187 through 193, Mortgage Page 194 through 209.
Date: March 30, 1973.
Grantor: Same as above.
Grantee: Notre Dame Fleeting and Towing Service, Inc., a Missouri Corporation.
Mortgage: Mortgagor - same as Grantee, executed by Fred H. Leyhe, President and attested by Gordon I. Herzog, Secretary; Mortgagee - same as Grantor. Loan amount \$1,156,736.00 at 7% per annum payable in 15 annual installments with the last payment of \$77,115.73 due April 2, 1988.

TRANSFER NUMBER 3

(Both Parcels)

Book/Page: Book 2155, Page 25 through 54.

Date: December 17, 1968.

Grantor: St. Louis Union Trust, Robert H. McRoberts, Pauline S. Eades, Trustees (23% of 24/126 interest in Trust).
St. Louis Union Trust, Robert H. McRoberts, Carolyn Essmann, Trustees (77% of 24/126 interest in Trust).
Pauline S. Eades (formerly Pitzman) and Dr. Dee W. Eades, her husband, Trustees (18/126).
Russell P. Richardson and Irma Richardson, his wife, Trustees (11/126).
Lucy R. Hurst and James L. Hurst, her husband, Trustees, (11/126).
Louise P. Lucas, a widow, Trustee, (18/126).
St. Louis Union Trust, Charles E. Richardson, Trustees (44/126).

Grantee: Donald C. Elsaesser, Charles E. Richardson, Russell P. Richardson, Trustees.

Remarks: This instrument is an "Extension of Agreement" extending the Trust established by Deed recorded in Book 723, Page 371 which conveyed properties to Fredrick Pitzman and Josephine E. Methudy, Trustees. Between the time the Deed was recorded in Book 723, Page 371, December 26, 1928, and the date of this "Extension of Agreement", December 17, 1968, this Deed was extended three times as follows:
September 23, 1938, Book 885, Page 336.
September 20, 1948, Book 1121, Page 391.
November 26, 1958, Book 1594, Page 391.

The "Extension of Agreement" dated December 17, 1968 extended the Trust to December 26, 1978 and among other things gave the Trustees the authority to deed properties.

TRANSFER NUMBER 4

(Both Parcels)

Book/Page: Book 723, Page 371 through 381.

Date: December 26, 1928.

Grantor: Pitzman Interest -
Fredrick Pitzman, a single person, 1/8 interest.
Marsh Pitzman, a single person, 1/8 interest.
Louise P. Lucas and Oliver G. Lucas, her husband, 1/8 interest.
Florence P. Herman and Edward Herman, her husband, 1/8 interest.

Kehr Interest -
Josephine E. Methudy, a single person, 1/8 interest.
Eugene R. Methudy and Frances K. Methudy, his wife, 1/8 interest.
Edward J. Methudy and Laura B. Methudy, his wife, 1/8 interest.
Lucy E. L. Richardson and Russell A. Richardson, her husband, 1/8 interest.

Grantee: Fredrick Pitzman (representing the beneficial interest of Julius Pitzman) and Josephine E. Methudy (representing the beneficial interest of Edward C. Kehr).

Remarks: This document was titled "Cahokia Trust Agreement" which made the Grantees Trustees of the Grantors. 13 parcels were conveyed to the Trustees and any "other property owned by Julius Pitzman and Edward C. Kehr that said Julius Pitzman and Edward C. Kehr owned as tenants in common at the time of Kehrs death", whether those properties were described in this instrument or not. The Trustees were given the power to sell.

TRANSFER NUMBER 5

(Both Parcels)

Book/Page: Book 523, Page 69 through 75.

Date: May 22, 1918.

Grantor: Julius Pitzman and Caroline Pitzman, his wife.
Josephine E. Methudy, a single person.
Lucy E. L. Richardson and Russell Richardson, her husband.
Eugene R. Methudy and Edna Methudy, his wife.
Edward J. Methudy, a single person.

Grantee: Julius Pitzman and Josephine E. Methudy.

Remarks: This Deed conveyed 20 parcels of real estate and all "other property owned by Julius Pitzman and Edward C. Kehr as tenants in common at the time of Kehrs death". The 20 legal descriptions in this instrument were of such a broad description that subject parcels could have been any one of a number of properties described or could have been those properties described as "all other properties owned by Pitzman and Kehr at the time of Kehrs death".

Grantees were "imposed upon" to serve as Trustees and Josephine E. Methudy was described as the Executrix and Legatee of Edward C. Kehr. At death, Kehr left his interest in real estate as follows:

Julius Pitzman (1/2).
Josephine E. Methudy (1/8).
Lucy E. L. Richardson (1/8).
Eugene R. Methudy (1/8).
Edward J. Methudy (1/8).

Since Julius Pitzman and Edward C. Kehr were tenants in common in these properties, after Kehr left a 1/2 interest in his properties to Julius Pitzman, Pitzman should have then had approximately 3/4's interest in the real estate.

TRANSFER NUMBER 6

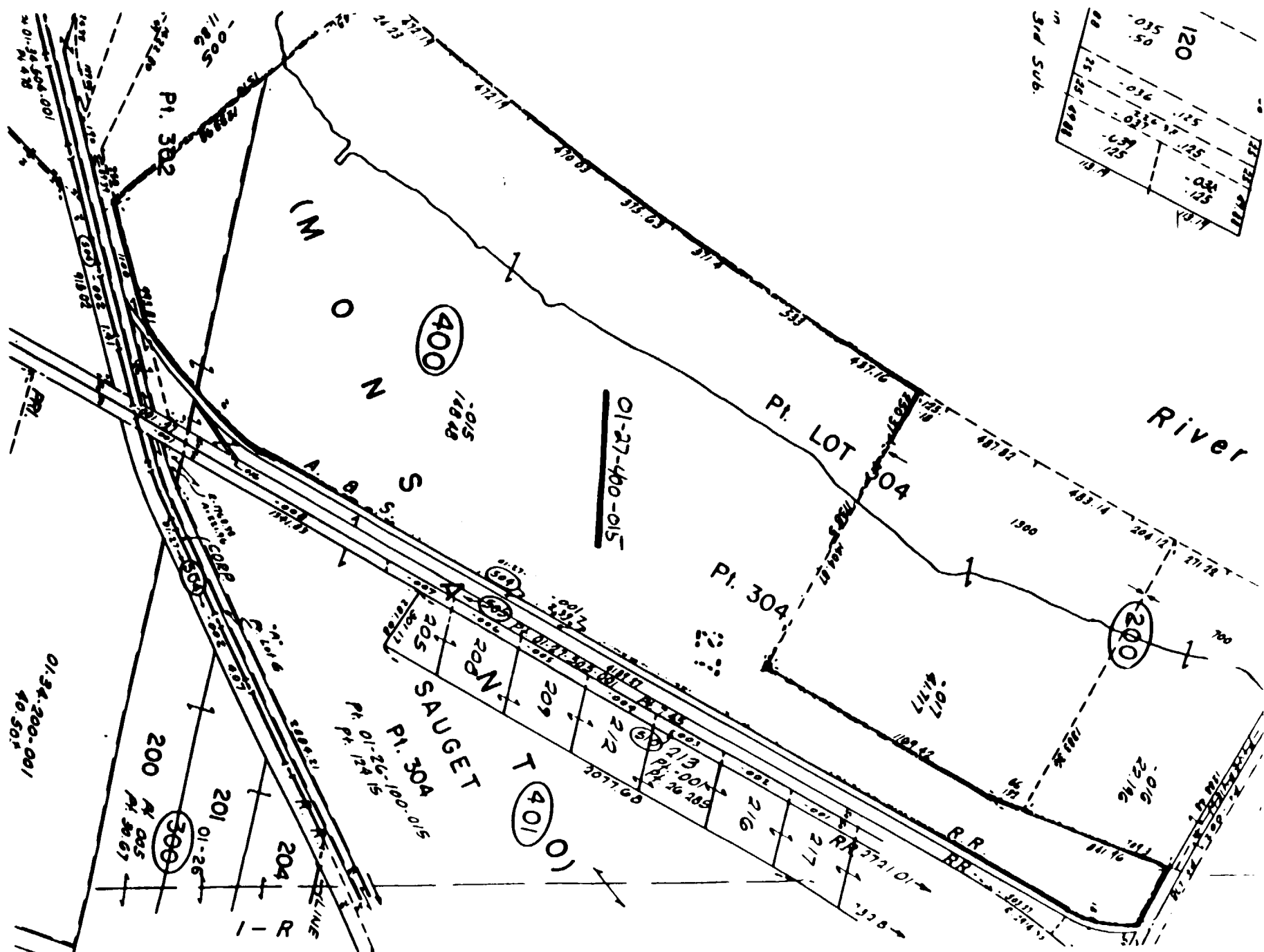
The document recorded in Book 523, Page 69 through 75 and dated May 22, 1918, ties subject parcels from 1918 to present. In order to tie Julius Pitzman and Edward C. Kehr to the document of May 22, 1918, a Deed or other instrument must be found conveying interest in subject parcels to them. The following table is a listing of properties conveyed to Julius Pitzman, Julius Pitzman, etal, or Julius Pitzman and Edward C. Kehr from a period of time between 1877 and 1907. In order to tie Pitzman and Kehr to the document of May 22, 1918, each one of these instruments would have to be reviewed.

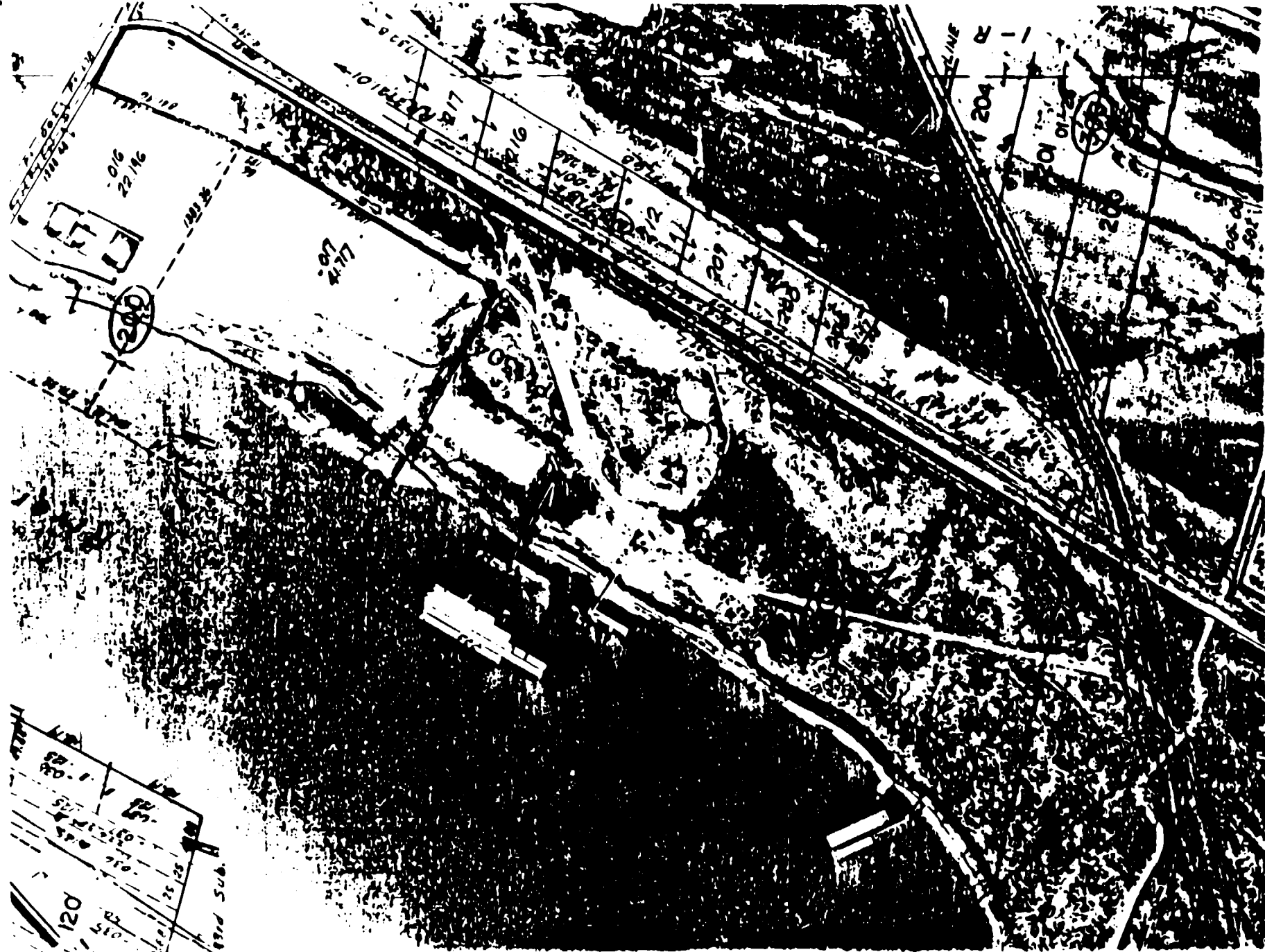
The document most likely to connect these individuals would be one dated January 14, 1892 (recorded in Book 217, Page 353) whereby Edward C. Kehr conveyed an undivided 1/2 interest to Julius Pitzman. However, because the description of the properties conveyed in this instrument were of such a general nature (that is, describing tracts of land that could include subject property plus much more property) it is very difficult to determine the exact document connecting these individuals to the document of May 22, 1918. Further, this is only a listing of the properties acquired by Pitzman. A similar list for Kehr would have to be obtained and reviewed.

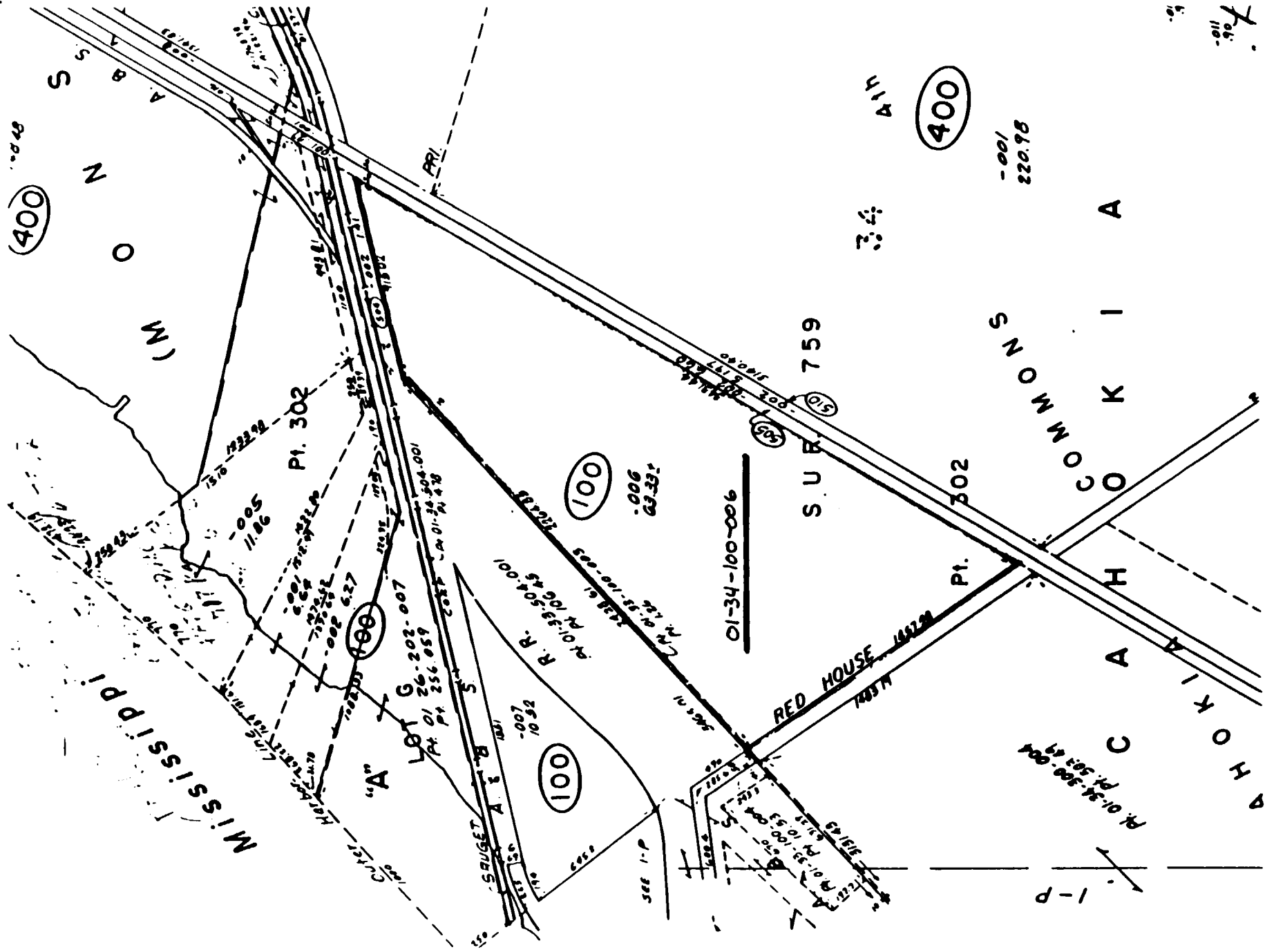
<u>Date</u>	<u>Grantee</u>	<u>Grantor</u>	<u>Book/Page</u>
12/19/1877	Julius Pitzman	Surwald Clara	166/253
3/8/1882	Julius Pitzman	Borsmenue Josephine	165/92
3/7/1883	Julius Pitzman	Cahokia by Supervising	169/546
5/7/1887	Julius Pitzman	Rombauer Real Estate	190/123
10/3/1889	Julius Pitzman, etal	Koerner Gustavus	206/46
1/14/1892	Julius Pitzman, etal (undivided 1/2 interest)	Kehr, Edward C.	217/353
12/3/1892	Julius Pitzman, etal	Carlton, James N. & wife	231/402
12/3/1892	Julius Pitzman, etal	Neel, James Canlounge	231/402
12/2/1893	Julius Pitzman	Kehr, Edward C.	224/422
3/31/1896	Julius Pitzman, etal	McCracken, Nick etal	201/357
3/31/1896	Julius Pitzman, etal	McCracken, Nick etal	201/358
5/1/1896	Julius Pitzman, etal	Cahokia, Village of	244/552
5/1/1896	Julius Pitzman, etal	Cahokia, Village of	244/553
6/22/1898	Julius Pitzman, etal	Lavalle, Francis by Exec.	262/144
7/20/1898	Julius Pitzman, etal	Brachett, Louise	262/260
7/25/1898	Julius Pitzman, etal	Comderalle, Mary	252/482
8/27/1898	Julius Pitzman, etal	Droit, Camille W.	262/394
11/16/1898	Julius Pitzman Trustee etal	Karr, A.	266/345
11/16/1898	Julius Pitzman Trustee etal	Kehr, Edward C., etal	266/345

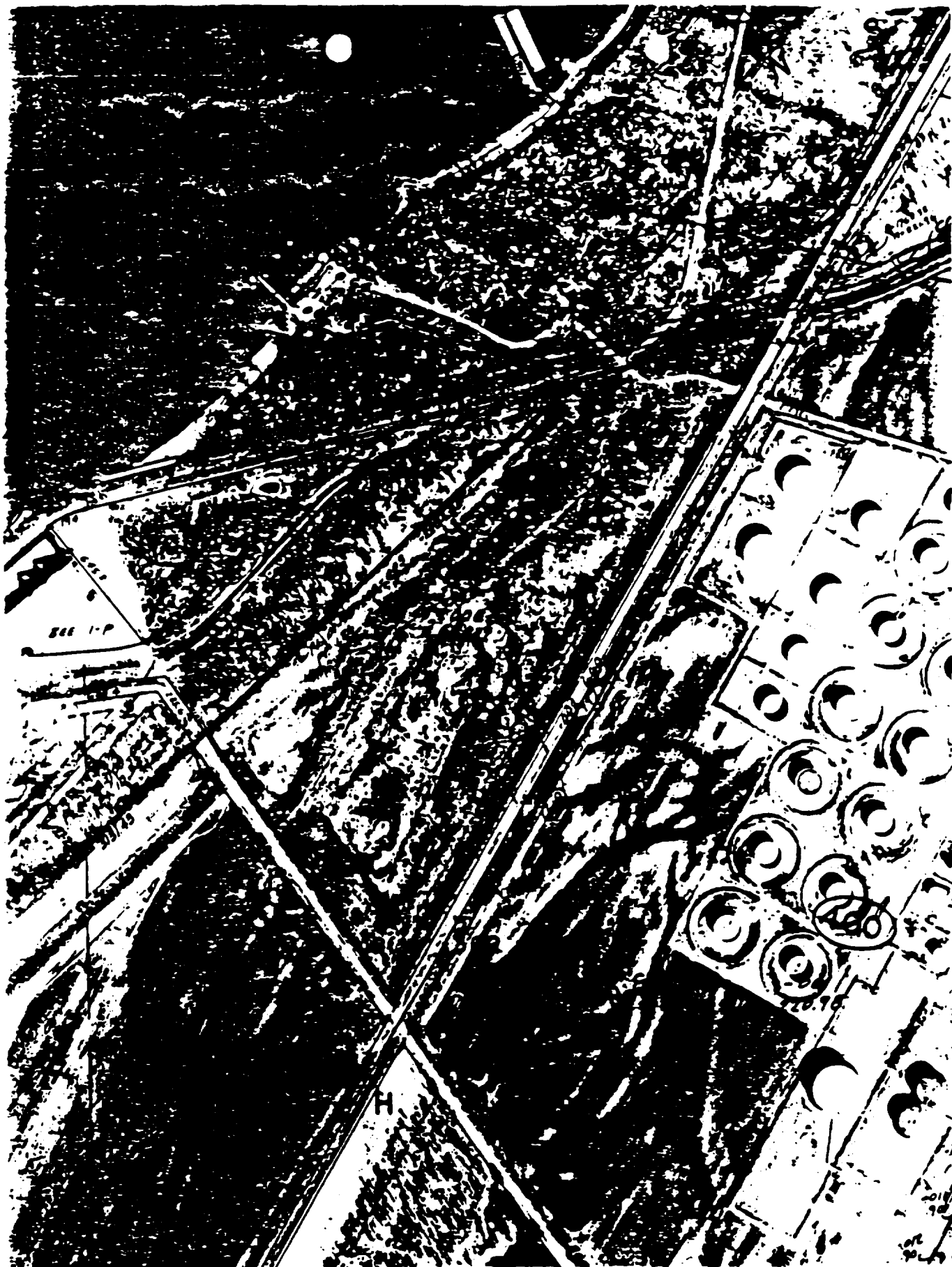
TRANSFER NUMBER 6

<u>Date</u>	<u>Grantee</u>	<u>Grantee</u>	<u>Book/Page</u>
11/16/1898	Julius Pitzman Trustee etal	Franklin Bank	266/345
11/16/1898	Julius Pitzman Trustee etal	Perio Cinderalle	264/13
2/15/1899	Julius Pitzman, etal	Palmier, Mary	252/581
3/7/1899	Julius Pitzman, etal	Doerr	264/364
5/26/1899	Julius Pitzman, etal	Bordeaux Lizzee	270/143
5/26/1899	Julius Pitzman, etal	Gerber Rose, etal	270/143
6/11/1900	Julius Pitzman, etal	St. Louis Belle-South	268/310
6/11/1900	Julius Pitzman, etal	Jarvis, George F.	278/179
1/2/1901	Julius Pitzman	St. John Frederick	228/627
7/11/1901	Julius Pitzman	Cahokia	292/70
7/11/1901	Julius Pitzman	Cahokia	268/551
7/11/1901	Julius Pitzman	Cahokia	292/71
7/11/1901	Julius Pitzman	Cahokia	292/72
7/11/1901	Julius Pitzman	Cahokia	292/73
7/14/1903	Julius Pitzman, etal	Bosancon, Adeline	318/11
12/15/1906	Julius Pitzman, etal	Martin, Charles	356/509
8/8/1907	Julius Pitzman, etal	Marigold August	372/350









30 NOV 87
MAY 27 NOV

31 10.50

Site 0 - Sauget Treatment Plant Lagoons & Pits

Landowners

- Village of Sauget
- Clayton Chemical Company (Past owner of the Site)

Operators

- Sauget Sanitary Development & Research Association
- Goldfields American Corporation (Successor firm To American Zinc Company who operated the Amax site.)
- Blue Tee Corporation (Successor firm To American Zinc Company who operated the Amax site.)

Users/Disposers

- Clayton Chemical Company
- Amax Zinc Company
- Cerro Copper
- Midwest Rubber Reclaiming
- Mobil Oil Corporation
- Monsanto
- Wiese Planning And Engineering
- Russell Bliss (Stored contaminated oil on-site in a tank leased from Clayton Chemical)
- Sterling Steel Foundry, Inc.
- Rodgers Cartage

Sale Q - Sauget Landfill

Landowners

- Cahokia Trust (Donald C. Elsaesser, Robert H. McRoberts & Russell P. Richardson -- Trustees)
- St. Louis Union Trust
- Fred H. Leyhe
- Monsanto
- Notre Dame Fleeting & Towing Service, Inc.
- Phillips Pipeline Company
- Patgood Inc.
- River Port Fleeting, Inc.
- River port Terminal and Fleeting Company

Operators

- Sauget & Company
- Paul Sauget
- Eagle Marine Industries, Inc. (Terminal Operators)
- Peavy Inc. (Subsidiary of Con Agra - successor to leaseholder at grain terminal)
- Pillsbury, Inc. (Terminal Operator)
- Union Electric (Operated Flyash Ponds on Site)

Users/Disposers

- Village of Sauget
- City of St. Louis
- Local Industries

Village of Sauget

Paul Sauget
Mayor

2897 Falling Springs Road
Sauget, Illinois 62206

(618) 337-5267

October 6, 1989

RECEIVED
OCT 10 1989

Illinois Environmental Protection Agency
Attn: Mr. William C. Child, Manager
Division of Land Pollution Control
P.O. Box 19276
Springfield, Illinois 62794-9276

IEPA/DLPC

Re: Village of Sauget
(Sauget Sites - Area II)
(1974 Sewerage Fund)

Your Ref: L1630200005 - St. Clair County
Sauget Sites - Area II

Dear Sirs:

This letter is in response to your letter of August 7, 1989 which, on its face, is limited to Area II.

Before we state our position, we must clarify the description of Area II. On the rough sketch attached to your letter referred to above, Area II seems to encompass an area on the east side of the Terminal Railroad Association right-of-way. We believe this to have been an error. This response assumes elimination thereof from Area II.

Secondly, we believe that Area II ought to be divided into two (2) separate parts by the Mississippi River Levee. At any rate, this response is limited to the part of Area II which is east of the levee.

Except for the dedicated rights-of-way of Pitzman and Riverview Avenues, part of the former having been vacated and title having passed thereby to Monsanto Company, the Village of Sauget to my knowledge has never owned or used, directly or indirectly, any part of Area II lying westerly of the Levee. Hence as stated above, this response is limited to the part of Area II lying easterly of the Levee.

Even then, the part of Area II lying easterly of the Levee is further limited, for the purposes of this response, by excluding the parts owned by Clayton Chemical and Trade Waste Incineration.

- As to so much of Area II as is bounded on the north by the Union Electric substation, on the east by the TRRA right-of-way, on the south by the American Bottoms plant and on the west by the Levee, but excluding Clayton and Trade Waste, the Village of Sauget hereby agrees to unofficially "chair" the PRPs.

That part of Area II described in the preceeding paragraph is the site of the Village's Physical/Chemical Wastewater Treatment Plant constructed in the mid 1970s and also the site of the former sludge lagoons built in the mid-1960s and closed in 1980.

The contract operator of that "P/Chem Plant" may have some records of the sludge disposed of in such lagoons between 1977-1980. We are having it search for such records and will advise you in the immediate future so you can inspect and copy the same. Those records, if they exist, will disclose billings to dischargers to that Plant and perhaps the analysis of the discharges on which those billings were based.

In addition, prior to construction of the P/Chem Plant, Monsanto Biodize (later known as Monsanto Envirochem) made certain studies of discharges to the Village's sewerage system. We are attempting to locate these for they may have a bearing on the contents of the closed sludge lagoons.

The original Village treatment plant, constructed in the mid 1960s on the same site as the P/Chem Plant, was designed by Metcalf & Eddy. That happened before I became the Village Attorney and I know not what their reports contained. Nor have I ever seen them. We are, however, searching. (By the way, your Water Division may have some of that information. I know your Collinsville office has some of the 1960s plans for the sludge lagoons.)

Other than such records, we are not presently aware of any other information requested by you, but are making inquiries. Responses by other PRPs might be helpful.

Nothing herein shall be deemed to be an admission that the Village is a responsible party or that it "polluted" any part or parts of Area II howsoever described.

Very truly yours,


HAROLD G. BAKER, JR.
Village Attorney

618 397-6444

cc: Amax Zinc Company, Inc.
Cerro Copper Products Co.
Clayton Chemical Company
Eagle Marine Industries, Inc.
Midwest Rubber Reclaiming co.
Monsanto Company
Monsanto Company, Sauget (Attn: McCombs)
Riverport Terminal and Fleeting Company
Sterling Steel Foundry, Inc.
Mr. Paul Sauget
Big River Zinc
Mr. George R. Schillinger
Mr. Carl Marciante
Mr. Richard J. Kissel

HGBjr/gmt

LAW OFFICES
FRANK L. PELLEGRINI
A PROFESSIONAL CORPORATION

FRANK L. PELLEGRINI

SUITE 400
CHOUTEAU CENTER
133 SOUTH ELEVENTH STREET
ST. LOUIS, MISSOURI 63102

TELEPHONE (314) 241-7445
FAX (314) 241-7449

August 21, 1989

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

William C. Child, Manager
Division of Land Pollution Control
Illinois Environmental Protection Agency
P. O. Box 19276
Springfield, Illinois 62794-9276

RE: L1630200005 ST. CLAIR COUNTY
SAUGET SITES - AREA II
YOUR LETTER OF AUGUST 7, 1989 ADDRESSED TO
FRED H. LEYHE, PRESIDENT, EAGLE MARINE INDUSTRIES, INC.
AND RICHARD BURKE AND TIM THOMAS, RIVERPORT TERMINAL &
FLEETING COMPANY

Dear Mr. Child:

We wish to advise that this office will be representing Eagle Marine Industries, Inc. and Riverport Terminal and Fleeting Company with reference to the PRP Notice set out in your letter of August 7th to both parties. We would appreciate it if you would mark your records accordingly so that all future correspondence comes directly to the undersigned.

The purpose of this letter is to respond to a portion of your letter in that both Eagle Marine Industries, Inc. and Riverport Terminal and Fleeting Company are desirous of entering into "good faith" negotiations with the other stated PRP's, the IEPA and the Illinois Attorney General's Office. It is our understanding that within 45 days the State will contact us with reference to a schedule of negotiations.

With reference to the other request which you state in your letter, that is for a series of documentation, we wish to advise that our clients are in the process of putting all the information together which you have requested, and we will be forwarding that to you within the 30 day time frame from the receipt of your notification letter.

RECEIVED

AUG 22 1989

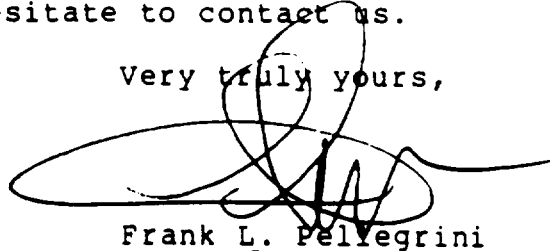
IEPA/TH/PC

August 21, 1989

William C. Child
Illinois Environmental Protection Agency
Page -2-

If you have any questions in the mean time or desire any further information, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Frank L. Pelleggrini', is written over the closing 'Very truly yours,'. The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Frank L. Pelleggrini

FLP/db

cc: Richard D. Burke
Executive Vice President
Eagle Marine Industries, Inc.
200 North Broadway, Suite 1725
St. Louis, Missouri 63102

Milton Greenfield, Jr., Attorney and Counselor at Law
7751 Carondelet, Suite 500
St. Louis, Missouri 63105

Joe Madonia, Illinois Attorney General's Office
Nancy Mackiewicz, Illinois Attorney General's Office



217/782-6762

L1630200006 -- St. Clair County
Sauget Sites - Area II

August 7, 1989

Earle K. Hardison, Jr., President
Horisanto Company
800 North Lindbergh Blvd.
St. Louis, Missouri 63167

Dear Sir or Madam:

The Illinois Environmental Protection Agency (IEPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above-referenced Area. A diagram indicating the property included in Area II is provided as Attachment 1 to this letter. IEPA is planning to spend public funds to investigate and control these releases and has completed HRS documentation for Area II sites. Recommendation will be made to USEPA Headquarters for nomination to the National Priorities List (NPL). The Area II score is above that required for NPL listing and such listing is, therefore, anticipated. Upon listing, action will be taken by USEPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 (SARA), unless both USEPA and IEPA determine that appropriate action will be properly executed by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of hazardous substances at the subject Area.

Based on data generated during the State's investigation of Area II, IEPA has information indicating that you are a potential responsible party (PRP). Before the State of Illinois undertakes necessary action at Area II, IEPA will give you the opportunity to work with other PRPs to voluntarily perform your share of the work required to abate any release or threatened release of hazardous substances, pollutants, and contaminants from this Area. You should be aware that under Section 107(a) of CERCLA, 42 U.S.C. §9607, and Section 22.2(f) of the Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, par. 1022.2(f), where the State uses public funds to conduct removal or remedial action, you may be liable for all costs associated with such action including investigation, planning, enforcement and cleanup costs.

IEPA is planning to conduct the following studies at Area II:

1. A Remedial Investigation (RI) to identify the local hydrogeological characteristics, and define the nature and extent of soil, air, groundwater, and surface water contamination; and



Page 2

2. A Feasibility Study (FS) to evaluate possible remedial alternatives to remove or contain hazardous substances, pollutants, and contaminants.

In addition to the above studies, corrective measures will be necessary to protect public health, welfare or the environment. These corrective measures will include, but are not necessarily limited to:

1. Implementation of initial remedial measures, e.g., securing unfenced property to prevent contact with any potentially hazardous or toxic materials at Area II and/or removal of contaminated material from the surface;
2. Designing and implementing the IEPA-approved remedy for Area II; and
3. Providing any necessary ongoing monitoring and maintenance.

The State would like to encourage "good faith" negotiations among you, other PRPs, the IEPA and the Illinois Attorney General's Office, leading to the entry of consent decrees for conduct of the RI/FS studies and the corrective measures mentioned above. To facilitate such negotiations, Attachment 2 of this letter is a list of names and addresses of other PRPs who are also receiving this letter. As PRPs, it would be advisable to organize yourselves into a single representative body to begin negotiation with IEPA and the Attorney General's Office for a privately funded RI/FS. The obvious benefit is that PRPs are able to exercise a greater degree of control over remedial design and implementation.

If you wish to be a part of these negotiations, you should notify the undersigned in writing within fourteen (14) calendar days within receipt of this letter. If you do not provide such written notification to the undersigned indicating your willingness to participate with other PRPs, IEPA will assume that you decline participation. Within forty-five (45) days, the State will contact those PRPs who have indicated a willingness to participate to schedule negotiations.

In addition, IEPA is seeking to obtain certain other information from you pursuant to authority granted under Section 104 of CERCLA, 42 U.S.C. §9604, Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927, and Section 4 of the Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, par. 1004. This information is needed to enforce CERCLA, RCRA and the Environmental Protection Act and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA and the Environmental Protection Act. Pursuant to these statutory provisions, you are hereby requested to submit the information describe below.

1. Copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the above-referenced Area.



Page 3

2. A detailed description of the generic, common and/or trade names and the chemical composition and character (i.e. liquid, solid, sludge) of the material offered by you for transportation to, storage and/or disposal at the above referenced Area.
3. For each waste material or substance identified above please give the total volume (gallons for liquids and sludges and cubic yards for solids) which you transported to, stored or disposed of at the above-referenced Area, and list when transportation storage or disposal occurred. Also, describe as accurately as possible the precise location where said activities took place.
4. A description of arrangements that were made for transportation of your waste materials or substances to the above-referenced Area, including method(s) of transportation used (i.e. tankers, dump trucks, grums).
5. The names of the transporter(s) of your waste materials or substances, including the former and current address of the transporter(s).
6. Copies of all records, including analytical results and material safety data sheets, which indicate the chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the above-referenced Area.
7. A list and description of any and all liability insurance that is and was carried by you, including but not limited to any self-insurance provisions, which relate to waste materials or substances and the above-referenced Area. Include copies of all such insurance policies.
8. Evidence of transactions and/or agreements made between yourself and owners of property within the above-referenced Area during the period of disposal.

The information sought pertains to any and all information in your possession, custody, or control relating to the operation of the above-referenced Area and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Area. The relevant time period for this request is from 1930 through the present.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of materials to, through, or from, the above-referenced Area. "waste materials" shall mean any material which is reclaimed or intended to be discarded, including, but



Page 4

not limited to, hazardous substances, solid wastes and hazardous wastes, and other material which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification materials of any kind.

The information sought herein must be sent to IEPA within thirty (30) calendar days of your receipt of this letter. Any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. §6903(5), and Section 101(14) of CERCLA, 42 U.S.C. §9607(14), and fails to furnish IEPA with requested information related to such activities is subject to sanctions. Under Section 3008 of RCRA, 42 U.S.C. §6908, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request under Section 104 CERCLA, 42 U.S.C. §9604, may result in a civil enforcement action being brought against you.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be afforded confidential protection. A request for confidential protection must be made when the information is provided since any information not so identified will not be accorded this protection by the IEPA. Information claimed as confidential will be handled in accordance with the provisions of 35 Ill. Adm. Code, Part 161.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to IEPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify IEPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted.

Your reply to the request for information under Section 104 of CERCLA and Section 3007 of RCRA should be considered separate and distinct from that relating to participation in response activities at Area I. Your reply to IEPA's request for information should be sent to:

William C. Child, Manager
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276



Page 5

If you need further information or wish to indicate to IEPA your willingness to participate in response activities, please contact Paul Takacs, IEPA Remedial Project Manager at the above number, or Joseph Madonia, Assistant Attorney General, at (217) 782-9030.

Thank you for giving this matter your immediate attention.

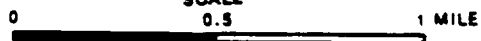
Respectfully,

William C. Child
William C. Child, Manager
Division of Land Pollution Control

MCC:PT:jab/2417,2590K/1-5

cc: Bharat Bhatnagar - IEPA
Jim Frank - IEPA
Terry Ayers - ILPA
Paul Takacs - IEPA
Bruce Carlson - IEPA
Joe Madonia - IAGO
Kancy Mackiewicz - IAGO

Reference Area Map



SOURCE: USGS Canokia Quad, 1974.

— —
ATTACHMENT 2
PRP List - Area II

Amax Zinc Company, Inc.
Amax Center
Greenwich, Connecticut 06836

Cerro Copper Products Co.
Queeny Avenue
Sauget, IL 62706

Clayton Chemical Company
#1 Mobile Ave.
Sauget, IL 62201

Eagle Marine Industries, Inc.
2701 North Geyer Rd.
St. Louis, MO 63131

Midwest Rubber Reclaiming Co.
3101 Mississippi Avenue
Sauget, IL 62206

Monsanto Company
800 North Lindbergh Blvd.
St. Louis, MO 63167

Riverport Terminal and Fleeting Company
Suite 1725
200 North Broadway
St. Louis, MO 63102-2716

Sterling Steel Foundry, Inc.
7441 Navarre Circle
St. Louis, MO 63123

Village of Sauget
2350 Monsanto Avenue
Sauget, IL 62206

Paul Sauget
2700 Falling Springs Rd.
Sauget, IL 62201

SITE Q

Case: ENVIRONMENTAL PROTECTION AGENCY v. PAUL SAUGET, individually,
and SAUGET AND COMPANY, a Delaware Corporation.

File #: 3602

By: Don Means

I. DESCRIPTION OF FACILITY

79,600,0600

The facility which is the subject of this enforcement action is a refuse disposal site located near the Mississippi River in St. Clair County, Illinois (pp. 1, 11). The site is located in Centreville Township (T2N, R10W of the 3rd principal meridian) and lies partly within the limits of the Village of Sauget (p. 1). The total area of the site is approximately thirty-five acres (p. 24). Immediately to the west of the site is the Mississippi River (p. 1). A Union Electric power plant is located to the north of the site (reference: information provided by Pat McCarthy). Also to the north of the site is a dumping site for toxic chemicals operated by the Monsanto Company (reference: information provided by Pat McCarthy).

The tracks of the Alton and Southern Railroad intersect the site from northeast to southwest (p. 1). To the east of the site is the levee and Gulf Mobile and Ohio railroad tracks (p. 1). This site had begun operation by at least 1967 (p. 3). The site accepted general refuse (p. 8). Cinders were used as cover (pp. 230, 272). The site was totally inundated by flood waters from the Mississippi in the spring of 1973 (pp. 134-139).

Page 2

That portion of the site south of the Alton and Southern tracks was not operated after the flood (p. 260). The northern portion was permanently closed some time after August 21, 1974 (p. 284). The site currently is not in operation, nor has it received adequate final cover (p. 302). In September, 1976, a fire occurred at the site, and refuse smouldered underground for at least two weeks (pp. 301-314).

During most of the time of the operation of this site, the land was owned by Cahokia Trust Properties of Cahokia, Illinois (p. 55). On April 2, 1973, the property was sold to Notre Dame Fleeting and Towing Service, Inc., which later was merged into Eagle Marine Industries (pp. 43, 55). Eagle Marine was probably instrumental in the cessation of the unpermitted operation of this site (pp. 112, 113, 285).

The operation of the site was conducted by Sauget and Company (Sauget). Sauget is a Delaware corporation which until November 15, 1973 was authorized to do business in the State of Illinois (pp. 57 and 58). On November 15, 1973, the Secretary of State of the State of Illinois revoked the authority of Sauget to transact business in Illinois for failure to file its annual report and pay its annual franchise tax (pp. 57 and 58). Since November 15, 1973, Sauget has been doing business in Illinois without a Certificate of Authority. Paul Sauget is an officer of Sauget and Company and a principal owner (reference: information provided by Pat McCarthy). Because of his personal involvement in the operation of this facility, he should be named as an individual respondent.

7936000601

II. DESCRIPTION OF POLLUTION SOURCE

The primary cause of pollution at this facility is the lack of adequate final cover. All refuse has not received at least two feet of cover as required by Rule 305(c) of Chapter 7. Additionally, the cover which has been applied is not a suitable material. Cinders have been used as cover instead of well-compacted clay or earth. As a consequence, three sorts of pollution occur:

1. Surface water infiltrates the refuse, causing the generation of leachate which migrates into the groundwater and hence into the Mississippi River.

2. When the Mississippi River is up, as in the spring of 1973, refuse is carried into the River.

3. Surface fires, such as the one which occurred in September of 1976, ignite underground refuse, causing a smouldering, smoky fire which is very difficult to extinguish.

III. PREVIOUS AGENCY INVOLVEMENT

The site was registered with the Department of Public Health on March 6, 1967 (pp. 3-5). An application for a permit was submitted to the Agency on February 7, 1972 (pp. 6-11). The application was denied on March 9, 1972 (p. 12). Another application was made on July 3, 1972 (pp. 13-28). This application was denied on August 7, 1972 (pp. 29-33). A request to reactivate the application and supplemental material were submitted to the Agency on August 1, 1974 (pp. 41-48). The application was again denied on September 16, 1974 (pp. 51-53). No further attempts to obtain a permit have been made.

Page 4

Sauget was ordered by the Pollution Control Board on May 26, 1971 to pay a penalty of \$1,000 for violations in operations on a portion of the facility (PCB 71-29). Sauget was also ordered at that time to cease using cinders for cover.

The Agency has sent many letters to Sauget since it began inspecting the facility which included notification of violations observed at the site. Since April 26, 1972 many letters have advised Sauget of its failure to provide adequate final cover in required areas (pp. 60-119).

Agency personnel have spoken to Paul Sauget on several instances (pp. 112, 134, 135, 141, 290, 301, 310). On January 21, 1975, he orally agreed to the need for final cover at the site and indicated his intent to provide it (p. 290). On September 8, 1976, and September 15, 1976, he acknowledged his responsibility for the fire then burning on the site and stated that he would take corrective action (pp. 301-310).

IV. VIOLATIONS

1. (a) Chapter 7 - Rule 305(c) provides that a compacted layer of not less than two feet of suitable material shall be placed over completed portions of a landfill, not later than sixty (60) days following the final placement of refuse.

(b) Proof - Disposal operations were discontinued at the site some time before January 21, 1975 (p. 289). Under Rule 305(c), completion of final cover was required over the entire site before March 22, 1975. However, Agency inspections reveal that final cover is not yet complete (p. 311). Final cover was required even earlier

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on specific areas of the site where dumping had ceased earlier (e.g., p. 140). In other words, the site has been in violation of Rule 305(c) for years. On March 8, 1974, an inspection of the site was conducted for the purpose of determining how much final cover was in place at the site (pp. 271-275). The inspection disclosed that cover varied in depth from 4" to 12" and consisted entirely of cinders (p. 272). Five photographs verify these findings (pp. 273-275). A similar inspection was conducted on January 26, 1976 (pp. 292-300). This inspection disclosed that the southern portion of the site had cover of dirt rather than cinders, but that it was only two to three inches in depth (p. 293). It also disclosed that conditions on the northern portion were similar or identical to those observed on March 8, 1974 (p. 293). Also, much refuse was observed with no cover (p. 293). Photographs were also taken during this inspection (pp. 296-300). The site was visited most recently on September 27, 1976, at which time it had not yet received adequate final cover (p. 314).

(c) Dates - From on or before March 22, 1975, to the filing of the complaint, final cover has been required over the entire site, and from even earlier on portions of the site (see proof, above).

2. (a) Chapter 3 - Rule 203(a) provides that all waters of the State shall be free from unnatural bottom deposits, oil, and floating debris, and Section 1.2(a) of the Environmental Protection Act provides in relevant part that no person shall cause or threaten or allow the discharge of any contaminants into the environment so as to violate regulations adopted by the Board.

(b) Proof - In the spring of 1973, the Mississippi River rose and inundated the subject site (pp. 134-228). All refuse previously deposited which had not received cover then became either a bottom deposit or floating debris in the Mississippi River. Also during this time Sauget caused refuse to be dumped into the water on the site (pp. 140, 141, 144, 146, 204, 208, 209, 235). Receding flood waters carried refuse off the site and into the main channel of the Mississippi (pp. 199, 202, 213, 223A). Refuse from the site was observed to have been carried at least two miles downstream (pp. 147-148). Many photographs were taken during this period which show debris in the water (pp. 153-175, 178-187, 189-192, 195-198, 200-202, 205-207, 214-222, 224-226, 228, 232-234). The violation of Rule 203(a) of Chapter 3 is also a violation of Section 12(a) of the Act.

(c) Dates - The initial observation of the site during the period of the flood occurred on March 26, 1973 (pp. 134, 140). Flood conditions persisted through at least May 11, 1973 (pp. 227-228) and refuse was observed in water until at least October 17, 1973 (p. 243).

3. (a) Section 12(d) of the Act provides that no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

(b) Proof - See proof of violation of Rule 203(a) of Chapter 3 above. Also, because of the inadequacy of final cover, there is a great hazard that leachate will be generated and will migrate into the

groundwater and into the Mississippi (see proof of violation of Rule 305(c) of Chapter 7, above).

(c) Dates - All refuse placed at this site from the effective date of the Act, July 1, 1970, until the cessation of dumping some time after August 21, 1974, was deposited in such place and manner so as to create a water pollution hazard.

4. (a) Section 9(c) of the Act provides that no person shall cause or allow the open burning of refuse.

(b) Proof - On September 8, 1976, a fire was observed on the subject site (pp. 301, 311). It had started at the north end of the site in some piles of openly dumped demolition refuse and had spread across the vegetation growing in the thin cover over the northern portion of the site (p. 311). The fire on the surface ignited the refuse underground, due in part to refuse protruding through the thin cover and in part to rat holes on this area of the site (p. 311). The site was again observed on September 9, 1976, and was still burning (pp. 302-303). Several photographs taken on September 9, 1976 show evidence of burning (pp. 304-309). The site was visited again on September 15, 1976, and on September 27, 1976, and found to be burning each time (pp. 310-314).

(c) Dates - Open burning of refuse occurred at the site from on or before September 8, 1976, until at least September 27, 1976 (pp. 301, 314).

V. AVAILABLE TECHNICAL SOLUTIONS

The best solution to the pollution problems presented by this

Page 8

Two feet of well-compacted, relatively impermeable earthen material will protect the refuse from encroaching flood waters. Observation of the site during the 1973 flood indicated that refuse which had been covered was much less likely to be washed out and carried into the channel of the Mississippi. Also proper cover will inhibit the formation of leachate and the ignition of underground refuse by surface fires.

The only technological difficulty that might arise at this facility is extinguishing an underground fire should it be found that such a fire continues to burn there. If so, the smouldering refuse will have to be excavated and dragged through water to ensure that the fire is totally extinguished.

The cost of these solutions is likely to be quite high, particularly in light of the shortage of cover material on the site. The field staff estimates that approximately 100,000 cubic yards of earthen material will be needed to properly cover the site pursuant to Rule 305(c) of Chapter 7. It is estimated (conservatively) that \$2.00 per cubic yard would be necessary to haul in earthen material, bringing the cost of covering to about \$200,000. In addition, the Agency will probably request that monitoring wells be installed in certain areas.

VI. WITNESS LIST

1. Pat McCarthy
Division of Land Pollution Control
Field Operations Section
Collinsville, Illinois

7936000607

2. Kenneth Mensing
Division of Land Pollution Control
Field Operations Section
Collinsville, Illinois
3. Bill Child
Division of Land Pollution Control
Field Operations Section
Aurora, Illinois
4. Andy Vollmer
Division of Land Pollution Control
Springfield, Illinois
5. Michael G. Neumann
Division of Water Pollution Control
6. James Kammuelier
Division of Water Pollution Control
7. Donald Chrismore
St. Louis District
U.S. Army Corps of Engineers
8. Louis Benzek
St. Louis District
U.S. Army Corps of Engineers

(Reference may be made to pages 315-323 for qualifications of Agency witnesses).

VII. RELIEF

1. The pleadings should request the maximum penalty under Section 42 of the Act. In the event of a settlement, a penalty in the range of \$5,000-\$10,000 should be sought.

2. The Board should be requested to order that Sauget cease and desist from all violations within 60 days of the date of the Board's Order. A performance bond in the amount of \$200,000 should be obtained to ensure compliance with the Order.

C.B.U.:

File

STATE OF ILLINOIS
DEPARTMENT OF PUBLIC HEALTH
Division of Sanitary Engineering

APPLICATION FOR REGISTRATION
OF
REFUSE DISPOSAL SITE OR FACILITY

RECEIVED

MAR 6 1967

DIVISION OF SANITARY ENGINEERING
ILLINOIS DEPT. OF PUBLIC HEALTH

1. NAME OF REGISTRANT: Saucet & Co.

2. ADDRESS: 2902 Monsanto Ave. Saucet 62206
(STREET) (CITY) (ZIP CODE)

3. REGISTRATION REQUESTED FOR: (Check one or combination if applicable)

☐ Dump ☐ Incinerator
☒ Sanitary Landfill ☐ Other

4. LEGAL DESCRIPTION OF SITE LOCATION: County St. Clair Range _____
Township 2 north Range 10 west of 3rd Principal Meridian
Township _____ Section _____ Quarter _____
Lot # 304, 5th Subd., Cahokia Commons

5. IS REGISTRANT THE OWNER OF THE DISPOSAL SITE OR FACILITY? ☒ Yes ☐ No

6. IF ANSWER TO (5) IS NO, GIVE NAME & ADDRESS OF OWNER: _____
Cahokia Trust, Charles Richardson, Trustee
Arcade Building, East St. Louis, Illinois

In conformance with Section 2 of the Refuse Disposal Law of the State of Illinois, application is made herewith for registration of the refuse disposal site or facility described above.

DATE March 3, 1967

Paul Saucet
Authorized Representative

7 9 3 6 0 0 0 6 1 1

7 3 6 0 0 0 6 1 2

March 10, 1967

ST. CLAIR COUNTY - Solid Waste Disposal
Sauger/Sauger & Co.

Mr. Paul Sauger
Sauger & Company
2902 Monasanto Avenue
Sauger, Illinois 62206

Dear Mr. Sauger:

This will acknowledge receipt of two applications for registration of refuse disposal sites in duplicate. We are returning the applications to you herewith. The legal description of the site, Item #4, is identical and incomplete on each of the applications. Please complete the legal description as to Section and Quarter Section.

It is presumed that the site registration which lists the Monasanto Company as the owner is the site used for disposal of the industrial wastes in barrels, and that the other site registration is for the area used for a landfill. If this presumption is not correct, please include a brief explanation on the reverse side of the application forms.

Thank you.

Very truly yours,

C. W. Klassen
Chief Sanitary Engineer

CKC/sh
CKC/sh
Encl.
cc/Most Central Region

LEO SAUGET
PRESIDENT

PAUL SAUGET
SECRETARY AND MANAGER

Sauget and Company

2902 MONSANTO AVENUE
SAUGET, ILLINOIS 62206

March 16, 1966 RECEIVED

RECEIVED
DIVISION OF SANITARY ENGINEERING
ILL. DEPT. OF PUBLIC HEALTH

Mr. C. W. Klassen
Chief Sanitary Engineer
Department of Public Health
State of Illinois
Springfield, Illinois 62706

Re: Solid Waste Disposal
Sauget/Sauget & Co.

Dear Mr. Klassen:

Your request for a legal description of our disposal sites as to Section and Quarter Section, we do not have Section and Quarter Section descriptions in this area.

The legal description of the waste disposal sites are Lot No. 304 of the Sixth Subdivision of the Cahokia Commons.

Both of the disposal sites have the same description as they are adjoining sites.

The site owned by the Monsanto Company is fenced and only toxic residue is dumped in this enclosed area.

The site owned by the Cahokia Trust is the Industrial Waste and Refuse Dumping.

Very truly yours,

Paul Sauget

Paul Sauget